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ANNUAL REPORT

OF THE

AMERICAN HISTORICAL ASSOCIATION

FOR

THE YEAR 1903.

IN TWO VOLUMES.

VOLUME I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1904.

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LETTER OF SUBMITTAL.

SMITHSONIAN INSTITUTION,
Washington, D. C., May 13, 1904.

To the Congress of the United States:

In accordance with the act of incorporation of the American Historical Association, approved January 4, 1889, I have the honor to submit to Congress the annual report of that Association for the year 1903.

I have the honor to be, very respectfully, your obedient servant,

S. P. LANGLEY,
Secretary of the Smithsonian Institution.

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

ACT OF INCORPORATION.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Andrew D. White, of Ithaca, in the State of New York; George Bancroft, of Washington, in the District of Columbia; Justin Winsor, of Cambridge, in the State of Massachusetts; William F. Poole, of Chicago, in the State of Illinois; Herbert B. Adams, of Baltimore, in the State of Maryland; Clarence W. Bowen, of Brooklyn, in the State of New York; their associates and successors, are hereby created, in the District of Columbia, a body corporate and politic, by the name of the American Historical Association, for the promotion of historical studies, the collection and preservation of historical manuscripts, and for kindred purposes in the interest of American history and of history in America. Said Association is authorized to hold real and personal estate in the District of Columbia so far only as may be necessary to its lawful ends to an amount not exceeding five hundred thousand dollars, to adopt a constitution, and to make by-laws not inconsistent with law. Said Association shall have its principal office at Washington, in the District of Columbia, and may hold its annual meetings in such places as the said incorporators shall determine. Said Association shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings and the condition of historical study in America. Said Secretary shall communicate to Congress the whole of such reports, or such portions thereof as he shall see fit. The Regents of the Smithsonian Institution are authorized to permit said Association to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum, at their discretion, upon such conditions and under such rules as they shall prescribe.

[Approved, January 4, 1889.]

LETTER OF TRANSMITTAL.

AMERICAN HISTORICAL ASSOCIATION,
OFFICE OF THE SECRETARY OF THE ASSOCIATION,
Washington, D. C., May 13, 1904.

SIR: In accordance with the act of incorporation of the American Historical Association I have the honor to transmit herewith a general report of the proceedings of the nineteenth annual meeting of the Association, held at New Orleans December 29, 30, and 31, 1903. Several of the papers read and discussed at that meeting are recommended for publication in this report, together with selections by the Historical Manuscripts Commission from the correspondence of the French ministers to the United States, 1791–1797, the Justin Winsor prize essay on the American Colonial Charter, a paper by Gen. A. W. Greely on Public Documents of the First Fourteen Congresses, and a valuable report by the Public Archives Commission, showing the condition and contents of the archives of several of the States.

Very respectfully,

A. HOWARD CLARK,
Secretary.

Mr. S. P. LANGLEY,
Secretary of the Smithsonian Institution,
Washington, D. C.

CONSTITUTION.

I.

The name of this society shall be The American Historical Association.

II.

Its object shall be the promotion of historical studies.

III.

Any person approved by the executive council may become a member by paying $3, and after the first year may continue a member by paying an annual fee of $3. On payment of $50 any person may become a life member, exempt from fees. Persons not resident in the United States may be elected as honorary or corresponding members, and be exempt from the payment of fees.

IV.

The officers shall be a president, two vice-presidents, a secretary, a corresponding secretary, a curator, a treasurer, and an executive council consisting of the foregoing officers and six other members elected by the Association, with the ex-presidents of the Association. These officers shall be elected by ballot at each regular annual meeting of the Association.

V.

The executive council shall have charge of the general interests of the Association, including the election of members, the calling of meetings, the selection of papers to be read, and the determination of what papers shall be published.

VI.

This constitution may be amended at any annual meeting, notice of such amendment having been given at the previous annual meeting, or the proposed amendment having received the approval of the executive council.

AMERICAN HISTORICAL ASSOCIATION.

Organized at Saratoga, N. Y., September 10, 1884. Incorporated by Congress January 4, 1889.

OFFICERS FOR 1904.

PRESIDENT:

GOLDWIN SMITH, D. C. L., LL. D.
Toronto, Canada.

VICE-PRESIDENTS:

JOHN BACH McMASTER, A. M., PH. D., LITT. D., LL. D.,
Professor University of Pennsylvania.

SIMEON E. BALDWIN, LL. D.,
Professor Yale University, Associate Judge of Supreme Court of Errors of Connecticut.

SECRETARY AND CURATOR:

A. HOWARD CLARK,
Smithsonian Institution, Washington, D. C.

CORRESPONDING SECRETARY:

CHARLES H. HASKINS, PH. D.,
Professor Harvard University.

TREASURER:

CLARENCE WINTHROP BOWEN, PH. D.,
130 Fulton street, New York.

EXECUTIVE COUNCIL:

In addition to above-named officers.
(Ex-Presidents.)

ANDREW DICKSON WHITE, L. H. D., LL. D.,
Ithaca, N. Y.

GEORGE FRISBIE HOAR, LL. D.,
Worcester, Mass.

JAMES SCHOULER, LL. D.,
Boston, Mass.

JAMES BURRILL ANGELL, LL. D.,
President University of Michigan.

GEORGE PARK FISHER, D. D., LL. D.,
Professor Yale University.

HENRY ADAMS, LL. D.,
Washington, D. C.

JAMES FORD RHODES, LL. D.,
Boston, Mass.

CHARLES FRANCIS ADAMS, LL. D.,
Boston, Mass.

ALFRED THAYER MAHAN, D. C. L., LL. D.,
New York.

HENRY CHARLES LEA, LL. D.,
Philadelphia.

(Elected Councillors.)

F. J. TURNER, PH. D.,
Professor University of Wisconsin.

HERBERT PUTNAM, LITT. D., LL. D.,
Librarian of Congress.

GEORGE L. BURR, A. B.,
Professor Cornell University.

EDWARD P. CHEYNEY, A. M.,
Professor University of Pennsylvania.

EDWARD G. BOURNE, PH. D.,
Professor Yale University.

ANDREW C. McLAUGHLIN, A. M.,
Carnegie Institution of Washington.

TERMS OF OFFICE.

EX-PRESIDENTS.

ANDREW DICKSON WHITE, L. H. D., LL. D., 1884–85.
†GEORGE BANCROFT, LL. D., 1885–86.
†JUSTIN WINSOR, LL. D., 1886–87.
†WILLIAM FREDERICK POOLE, LL. D., 1887–88.
†CHARLES KENDALL ADAMS, LL. D., 1888–89.
†JOHN JAY, LL. D., 1889–90.
†WILLIAM WIRT HENRY, LL. D., 1890–91.
JAMES BURRILL ANGELL, LL. D., 1891–1893.
HENRY ADAMS, LL. D., 1893–94.
GEORGE FRISBIE HOAR, LL. D., 1894–95.
†RICHARD SALTER STORRS, D. D., LL. D., 1895–96.
JAMES SCHOULER, LL. D., 1896–97.
GEORGE PARK FISHER, D. D., LL. D., 1897–98.
JAMES FORD RHODES, LL. D., 1898–99.
†EDWARD EGGLESTON, L. H. D., 1899–1900.
CHARLES FRANCIS ADAMS, LL. D., 1900–1901.
ALFRED THAYER MAHAN, D. C. L., LL. D., 1901–2.
HENRY CHARLES LEA, LL. D., 1902–3.

EX-VICE PRESIDENTS.

†JUSTIN WINSOR, LL. D., 1884–1886.
†CHARLES KENDALL ADAMS, LL. D., 1884–1888.
†WILLIAM FREDERICK POOLE, LL. D., 1886–87.
†JOHN JAY, LL. D., 1887–1889.
†WILLIAM WIRT HENRY, LL. D., 1888–1890.
JAMES BURRILL ANGELL, LL. D., 1889–1891.
HENRY ADAMS, LL. D., 1890–1893.
†EDWARD GAY MASON, A. M., 1891–1893.
GEORGE FRISBIE HOAR, LL. D., 1893–94.
†RICHARD SALTER STORRS, D. D., LL. D., 1894–95.
JAMES SCHOULER, LL. D., 1894–1896.
GEORGE PARK FISHER, D. D., LL. D., 1896–97.
JAMES FORD RHODES, LL. D., 1896–1898.
†EDWARD EGGLESTON, L. H. D., 1898–99.
†MOSES COIT TYLER, L. H. D., LL. D., 1897–1900.
CHARLES FRANCIS ADAMS, LL. D., 1899–1900.
†HERBERT BAXTER ADAMS, Ph. D., LL. D., 1900–1901.
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GOLDWIN SMITH, D. C. L., LL. D
†EDWARD McCRADY, LL. D.

SECRETARIES.

HERBERT BAXTER ADAMS, Ph. D., LL. D., 1884–1899.
A. HOWARD CLARK, 1889—
CHARLES H. HASKINS, Ph. D., 1900—

TREASURER.

CLARENCE WINTHROP BOWEN, Ph. D., 1884—

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WILLIAM BABCOCK WEEDEN, A. M., 1884–1886.
†CHARLES DEANE, LL. D., 1884–1887.
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FRANKLIN BOWDITCH DEXTER, A. M., 1885–1887.
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†WILLIAM WIRT HENRY, LL. D., 1886–1888.
†RUTHERFORD BIRCHARD HAYES, LL. D., 1887–88.
JOHN W. BURGESS, 1887–1891.
ARTHUR MARTIN WHEELER, A. M., 1887–1889.
GEORGE PARK FISHER, D. D., LL. D., 1888–1891.
†GEORGE BROWN GOODE, LL. D., 1889–1896.
JOHN GEORGE BOURINOT, C. M. G., D. C. L., LL. D., 1889–1894.
JOHN BACH McMASTER, LL. D. 1891–1894.
GEORGE BURTON ADAMS, Ph. D., 1891–1897; 1898–1901.
THEODORE ROOSEVELT, A. B., LL. D., 1894–95.
†JABEZ LAMAR MONROE CURRY, LL. D., 1894–95.
HENRY MORSE STEPHENS, A. M., 1895–1899.
FREDERICK JACKSON TURNER, Ph. D., 1895–1899; 1901—
EDWARD MINER GALLAUDET, Ph. D., LL. D., 1896–97.
MELVILLE WESTON FULLER, LL. D., 1897–1900.
ALBERT BUSHNELL HART, Ph. D., 1897–1900.
ANDREW C. McLAUGHLIN, LL. B., 1898–1901; 1903—
WILLIAM A. DUNNING, Ph. D., 1899–1902.
PETER WHITE, A. M., 1899–1902.
J. FRANKLIN JAMESON, Ph. D., LL. D., 1900–1903.
A. LAWRENCE LOWELL, LL. B., 1900–1903.
HERBERT PUTNAM, Litt. D., LL. D., 1901—
GEORGE L. BURR, A. B., 1902—
EDWARD P. CHEYNEY, A. M., 1902—
EDWARD G. BOURNE, Ph. D., 1903—

Deceased officers are marked thus †

COMMITTEES—1904.

ANNUAL COMMITTEES.

Committee on Programme of Twentieth Annual Meeting (Chicago, Ill., December, 1904): J. Franklin Jameson, Henry E. Bourne, Ralph C. H. Catterall, Charles H. Haskins, Reuben G. Thwaites.

Local Committee of Arrangements: Charles L. Hutchinson, Edward E. Ayer, E. W. Blatchford, Edward O. Brown, James H. Eckles, James W. Fertig, Marshall Field, C. F. Gunther, William R. Harper, J. Franklin H. Head, H. N. Higinbotham, James A. James, Franklin Jameson, Harry P. Judson, Elbridge G. Keith, Samuel H. Kerfoot, jr., Herman H. Kohlsaat, J. B. Leake, Franklin McVeagh, E. E. Prussing, Martin A. Ryerson, Otto L. Schmitt, Francis W. Shepardson, Edwin E. Sparks, Benjamin S. Terry, James Westfall Thompson, Joseph P. Warren; with power to add members at the discretion of the chairman.

Committee on the Entertainment of Ladies: Mrs. Mary J. Wilmarth, Miss Sophonisba Preston Breckinridge, Miss Ida M. Tarbell; with power to add other members at the discretion of the chairman.

STANDING COMMITTEES, COMMISSIONS, AND BOARDS.

Editors of the American Historical Review: Andrew C. McLaughlin, H. Morse Stephens, George B. Adams, J. Franklin Jameson, William M. Sloane (these five hold over); Albert Bushnell Hart (reelected for term ending January 1, 1910).

Historical Manuscripts Commission: Edward G. Bourne, Frederick W. Moore, Theodore C. Smith, Reuben G. Thwaites, George P. Garrison, Worthington C. Ford.

Committee on the Justin Winsor Prize: Charles M. Andrews, E. P. Cheyney, Charles H. Hull, Roger Foster, Williston Walker. (In Professor Andrews' absence during a portion of the year Professor Hull will act as chairman of the committee.)

Committee on the Herbert Baxter Adams Prize: Charles Gross, George L. Burr, Victor Coffin, James Harvey Robinson, John Martin Vincent.

Public Archives Commission: Herman V. Ames, William MacDonald, Herbert L. Osgood, Charles M. Andrews, E. E. Sparks.

Committee on Bibliography: Ernest C. Richardson, A. P. C. Griffin, George Iles, William C. Lane, Reuben G. Thwaites, Max Farrand.

Committee on Publications: George W. Knight, A. Howard Clark, F. M. Fling, S. M. Jackson, Miss Elizabeth Kendall, A. D. Morse, Earle W. Dow.

General Committee: Henry E. Bourne, Charles H. Haskins, Miss Lucy M. Salmon, Miss Lilian W. Johnson, George E. Howard, John S. Bassett, William MacDonald, George B. Adams, Marshall S. Brown. (With power to add adjunct members.)

Finance Committee: Elbridge T. Gerry, George S. Bowdoin.

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VOLUME II.

Seventh Report of Historical Manuscript Commission. Correspondence of the French Ministers to the United States, 1791–1797.

I.—REPORT OF PROCEEDINGS OF NINETEENTH ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION.

New Orleans, La., December 29, 30, 31, 1903.

By CHARLES H. HASKINS,
Corresponding Secretary.

REPORT OF THE PROCEEDINGS OF THE NINETEENTH ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION.[a]

By CHARLES H. HASKINS, Corresponding Secretary.

For some time it has seemed desirable to hold a meeting of the American Historical Association in the far South. The meetings that are held periodically at Washington are not inconvenient for the members living in the Southeastern States, but from the beginning until 1903 no meeting was held in the southern part of the Mississippi Valley within easy reach of members from the South and Southwest. The members in this region, it is true, are not many, but nevertheless a meeting that all could attend without trouble would, it is thought, bring together an unusual number and prove helpful to the scholars who are striving to arouse the Southern people to greater interest in history and to a greater appreciation of historical opportunity. The year 1903 seemed the appropriate time; a meeting at New Orleans would be a suitable recognition of the centennial anniversary of the acquisition of Louisiana. With these various considerations in mind, the Association determined to hold its nineteenth annual meeting at New Orleans. The sessions were held December 29, 30, and 31.

Although there were not in attendance so many southern members as the most enthusiastic desired to see, there were enough to show the growing interest in historical work; and, while the value of the meeting cannot yet be weighed or measured, there is reason to believe that it gave new courage and zeal to historians and to historical students of the South—not only to teachers and students of history, but also to those

[a] This general account of the New Orleans meeting of the Association is reproduced, with slight modifications, from the report prepared for the American Historical Review (April, 1904) by the managing editor of the Review, Prof. A. C. McLaughlin.

who are engaged in gathering historical material and in preserving the manuscript records of the Southern States. The number of members from other sections of the Union was, perhaps, not quite so large as at some of the recent meetings, but on the other hand the attendance was very widely representative of all sections and States. Members were present from California and Arizona beyond the mountains, from Massachusetts and Connecticut in the Northeast, from most of the other States of the Atlantic coast, and in unusual numbers from all parts of the Mississippi basin. A special train brought most of the members from the Northeast. It started from New York and followed the line of the Southern Railway, offering an opportunity to visit Richmond, Atlanta, Mobile, and other places on the southward journey, and Chattanooga on the return trip. A special car, starting at Chicago for the convenience of the northern members, stopped on the return trip at Vicksburg. In spite of some delays and the discomforts incident to crowded sleeping cars, these excursions seem to have been very successful and to have given general satisfaction.

The progamme was so arranged as to have an occasional character. Two joint sessions were held with the Economic Association; at the first the regular annual addresses of the presidents were given; at the second the relation of sociology to economics and history was the subject of discussion. The papers of one session related chiefly to the Louisiana purchase; at another session the study and teaching of history in the South was discussed; at other sessions several papers were read bearing directly on the history of the South or the Southwest. The only possible fault to be found with the programme was that there was too much of it, and this seems an ungrateful comment to pass on a scheme that was evidently the result of much hard work and serious planning by the members of the committee having the subject in charge. So far as the quality of the papers is concerned, the programme was one of the very best in the history of the Association. But the weary member who had traveled mayhap 1,500 or 2,000 miles to attend the meeting, who was desirous of seeing the sights of the old French city, and was even more anxious to exchange experiences with some fellow-worker whom he had not seen since the meeting at Philadelphia, was in a distracted state

when confronted by an excellent programme filled with interesting and profitable papers, and so arranged as to leave practically no free time outside of the three daily sessions.

In addition to the attractions of the programme must be mentioned the courteous attentions of the friends of the Association in New Orleans. The local committee of arrangements, of which Prof. John R. Ficklen, of Tulane University, was chairman, left nothing undone to care for the comfort and pleasure of the guests. On the first day of the meeting, after a series of appropriate papers bearing on Louisiana history, the members were given a creole luncheon by the Louisiana Historical Society. Wednesday noon a luncheon was served in the refectory of Tulane University, in the evening a smoker was given to men at the Round Table Club, and in the same afternoon Mrs. T. G. Richardson gave a reception especially intended for the lady members of the Association. The president and faculty of Tulane University received the members of the Association Thursday evening in the library of the university. On Friday morning the members of the Association were given a steamboat ride on the Mississippi, in the course of which they stopped to see the site of the battle of New Orleans and to visit a sugar plantation. At the point where Jackson beat back the British, short addresses were made by Prof. J. B. McMaster and by the president of the Louisiana Historical Society, Prof. Alcée Fortier. At the sugar plantation Professor Fortier spoke entertainingly of the beginning of the planting industry in Louisiana, of how sugar cane gradually supplanted the indigo crop, and of the old plantation life before the war. The pleasure of the week was enhanced by the hospitality of the Round Table Club, the Boston Club, and the Athletic Club, which opened their clubhouses to the use of the members of the Association.

A year ago, at the Philadelphia meeting, a number of persons who were members either of the Historical Association or of the Economic Association met and discussed the advisability of forming an association devoted to the study and discussion of topics in political science. It was then decided to take the matter under advisement and to give it serious consideration. A committee, appointed at Philadelphia to investigate the subject and gather opinions, reported at New Orleans in favor of establishing an organization not affiliated

formally with either of the older associations. In accordance with that recommendation, a new society, called the American Political Science Association, was formed. Its purpose is to advance the study of politics, public law, administration, and diplomacy. There was a general feeling among the men who formed this association that their fields of work were so decidedly different from the fields of economics and history that only by the formation of a separate society could their topics receive proper attention and be sufficiently discussed.

The first session of the Historical Association was held under the auspices of the Louisiana Historical Society at the Cabildo, the picturesque and interesting *hôtel de ville* in the center of the old French quarter. The subjects under consideration all bore more or less directly on the Louisiana purchase. The first paper, by Prof. William M. Sloane, of Columbia University, dealt with the "World Aspects of the Louisiana Purchase," presenting in a few words and in an interesting manner the epochal character of the movement and the treaty that gave to the United States the western half of the Mississippi basin.[a] Hon. William Wirt Howe, of New Orleans, read a valuable paper on "The Civil and the Common Law in the Louisiana Purchase." When the colony was first settled, the law of France and the custom of Paris prevailed, but with the Spaniards naturally came the Spanish system. In 1769 a small treatise containing rules of practice, some rules of criminal law, and directions in regard to wills was promulgated by Governor O'Reilly. From that time the laws of Spain really governed Louisiana; but they were in many respects similar in their origin to the laws of France, and the difference was scarcely perceived. After the cession to the United States, the Louisiana Purchase was divided, one portion, about the present area of the State of Louisiana, being set off as the Territory of Orleans. Within these limits the old civil law as codified in 1808, largely along the lines of the Code Napoleon, continued to be fundamental, while in the rest of the purchase, which in 1812 became the Territory of Missouri, the common law of England was naturally introduced by immigration, and in 1816 was adopted by Territorial statute as the rule of judicial decision. The two legal systems,

[a] Printed in the present volume, also in the American Historical Review, April, 1904.

however, are not now so diverse as formerly; technicalities have been gradually disappearing, and the elementary principles of right and justice are to-day much the same in all parts of the Louisiana Purchase.

A paper on "New Orleans and the Aaron Burr Conspiracy" was read by Dr. Walter F. McCaleb, and is printed in the present report. He referred to Burr's plan for revolutionizing the Spanish colonies, and recounted the formation of the "Mexican Association," the object of which was to obtain information regarding the forces and the internal condition of New Spain. The ordinary notion that the Creole resented the acquisition of Louisiana, Mr. McCaleb said, was altogether unfounded. He described how the idea gained currency that the Spaniards by threatening invasion would gain adherents among the people of New Orleans, and how Wilkinson, with characteristic effrontery and knavishness, announced that New Orleans was a hotbed of sedition and that Burr was plotting to disrupt the Union, and, while so professing, began to make military arrests and to rule the city with arrogance and injustice. Jefferson himself, under the influence of Wilkinson, came to believe that Burr was engaged in treasonable undertakings, and that in New Orleans was centered his strength.

The paper of Dr. W. R. Shepherd, of Columbia, on "Louisiana in the Spanish Archives," also printed in the present volume, was in a measure a plea for the examination of Spanish archives as sources of American history. Contrary to the commonly received opinions, the archives of Spain, Mr. Shepherd said, are more accessible than those of other European countries. The only requirements for admission are a good knowledge of Spanish and the proof that the investigator is a responsible person. The dispersion of the materials among several centers and an imperfect classification of the documents themselves are serious obstacles in the way of the investigator, and personal research is indispensable in practically all cases. The three great repositories that contain materials of importance for the history of the United States are those at Simancas, Madrid, and Seville. Among the papers at Simancas are many valuable sources for the study of United States history during the period of the Revolution, but many important documents of this time are to be found also in Madrid and Seville. As to the

materials concerning Louisiana more specifically, the archives at Simancas and Madrid supplement each other, but the bulk of them is to be found in Madrid. Here also are the state papers properly so called as distinguished from the correspondence of the colonial officials with the Council of the Indies. This correspondence constitutes the wealth of the Archives of the Indies at Seville and hence is of special value for the internal history of Louisiana.

Reuben G. Thwaites, secretary and superintendent of the Wisconsin Historical Society, told the story of Lewis and Clark's journals, and his paper is printed in full in the present volume. It is popularly supposed that the *Travels* edited by Nicholas Biddle and published at Philadelphia in 1814 are substantially the journals of the two explorers. But Mr. Thwaites showed that the original manuscripts of these journals amounted to over a million words, from which Biddle prepared a condensed popular narrative of 370,000. Practically all of the scientific matter was omitted, as Dr. Benjamin S. Barton had been engaged to make a separate volume of this, but he died without preparing his part. From 1816 to 1818 Thomas Jefferson spent much time in collecting the scattered notebooks, which he deposited with the American Philosophical Society at Philadelphia, in trust for the public. In 1892–93 Dr. Elliott Coues made several extracts from these manuscripts, as notes to his reprint edition of Biddle's work; but the manuscripts are, as a whole, as yet unpublished. Recently Mr. Thwaites unearthed in New York, in the possession of the Clark heirs, several additional notebooks by William Clark, together with a large mass of other data relative to the expedition. The story, as told by Mr. Thwaites, abounds in interesting details, some of them humorous, but others almost tragic in character.

On Tuesday evening a joint meeting of the two associations was held at Newcomb Hall. President Edwin A. Alderman, of Tulane University, gave the address of welcome, in the course of which he spoke of the interesting and picturesque character of the history of the city, and of the fundamental tragic fact in the life of the South, the presence of the negro—the all-important economic fact of the present as of the past. For sixty years, he declared, the South stood ready to die and did die for the doctrine of state sovereignty, and to-day it would

die for the doctrine of racial integrity. He deprecated, however, the continued discussion of the race question. "The discussion has become a national disease and should be quarantined against, for it is getting hysterical and dangerous." The speaker concluded that people who hold to high political doctrines which do not admit of compromise in their minds gain in a genius for intensity of conviction what they lose in liberalism, and that America needs the intense idealism of the South. Prof. E. R. A. Seligman, president of the Economic Association, spoke on "Social aspects of economic law." He said that while everyone is aware that economics is a social science, the theory has received lip service only and not brain homage. He asked real recognition of the social basis of economic law, and advocated serious application of sound social principle to the solution of the pressing problems of the day. "We are beginning to see," he declared, in referring to the labor problem, "that the securest guaranty of liberty is the social sanction—that true and perfect freedom is at bottom the outgrowth of social forces, and that individual bargaining results in a mere empty husk of freedom." The speaker dwelt chiefly on the need of a new study of taxation based on the existence of economic law and in accord with actual social facts and forces. "We shall then be able to prove," he said, "that in order to secure justice we do not need to impose a tax which seeks equally to hit in the first instance every individual member of the community." He argued, however, that the proper subordination of the individual does not mean his depreciation or the establishment of the crude socialism that is loudly proclaimed by some as the ideal policy of the future.

The address of Dr. Henry C. Lea, president of the Historical Association, on "Ethical values in history," was read by the corresponding secretary, as Mr. Lea was unable to be present.[a] Mr. Lea declared utterly fallacious the notion that there is an absolute and invariable code by which men of all ages and all degrees of civilization can be judged. Standards of right and justice, in part at least, are merely a social product, changing with the passing years, and to judge a man's motives and acts by the rigid rule of to-day is to judge unjustly. The

[a] The address is printed in full in the present volume (pp. 35–69). It will also be found in the American Historical Review for January, 1904.

historian who would aspire to be a judge must not try a case by a code unknown to the defendant. Mr. Lea considered at some length the career of Philip II of Spain, declaring that the student in earnest quest of truth may reasonably pause and ask himself whether Philip is to be held morally responsible for all his acts, whether he was a mere bloodthirsty tyrant, rejoicing in the suffering of others, or the conscientious but misguided agent of false standards, believing himself to be rendering the highest service to God. The address, therefore, advocated a calm recital of facts and conditions, the telling of the unadorned tale which because of its truth will not lose its claims as a teacher of the higher morality. The study of the past in this spirit may render us more impatient of the present and more hopeful of the future.

The session of Wednesday morning was devoted to a conference on the study and teaching of history in the South. Prof. W. E. Dodd, of Randolph-Macon College, spoke of the discouraging conditions in the South, where the teachers are underpaid, the school equipment is meager, and the pupils preparing for college have difficulty in getting proper instruction. He spoke of the rigidity of public opinion and of the fact that a large portion of the people are not accustomed to reading or the use of books. Under the circumstances strenuous effort must be made to awaken the people of the South, who love their own past and take pride in the achievements of their fathers, to an intelligent, sympathetic interest in history and history teaching in the schools and colleges. Prof. Alcée Fortier spoke of the curriculum in the New Orleans schools, and referred to the work of the Louisiana Historical Society and to its collections. Miss Lilian W. Johnson, of the University of Tennessee, spoke principally of the work done in the schools and colleges of Tennessee, of the influence of the summer school at Knoxville, and the spirit of progress that is discernible, even though to the impatient the forward movement seems at times hopelessly slow. The difficulties of the situation are heightened by the fact that Tennessee has a debt, a reminder of the days of reconstruction, and has, moreover, no school fund. The school system is supported only by direct and immediate taxation. Prof. Frederick W. Moore, of Vanderbilt University, discussed the past rather than the present of historical study. He spoke of the conditions

before the war, of the men who had been conspicuous teachers of history in the early days, and of the gradual improvement in recent years. Up to 1860 the North and the South were not very unequal in their facilities for historical study; in both sections there was gradual improvement. In the next fifteen years the northern schools and colleges developed their curricula; in the South conditions grew worse. During the last twenty years there has been a rapid growth in the North and slow improvement in the South. Prof. Franklin L. Riley, of the University of Mississippi, spoke of the work done in his State for the improvement of historical teaching and study, but dwelt chiefly on the founding of the Mississippi Historical Society and the establishment of the department of archives and history in the State government. Prof. David Y. Thomas, of Hendrix College, commented briefly on the situation in Arkansas. Mr. Thomas M. Owen, who is in charge of the newly created department of archives and history of the State of Alabama, gave a statement of the aid that is now given by the Southern States for the preservation, collection, and publication of their records and other historical material. Scarcely any States in the Union are doing as much as are Alabama and Mississippi, where the State governments have established departments charged with the task of gathering and preserving valuable historical papers. Most of the other Southern States do not give much direct financial support to historical undertakings, though some of them have made appropriations for the publication of materials. In Texas a small appropriation has been made for the classification and translation of early Texas manuscripts, while the Texas Historical Assocaition, without material financial encouragement from the State, has been courageously undertaking the enormous task of bringing together the old records and miscellaneous papers bearing on the early history of the Southwest.

Prof. J. Franklin Jameson, of the University of Chicago, being called upon to speak as a representative of the North, said that no one could fail to be gratified upon a general view of the reports which had been made respecting the progress of historical work in the South. Not the least gratifying evidence was the frankness with which deficiencies and drawbacks were admitted and discussed. He preferred not to

speak as a representative of the North. The line of cleavage, for purposes of the present discussion, does not lie between the North and the South. The South and the West can be classed together as regions in which the study and teaching of history have not yet come to their full rights. The one region in which they may be said to have done so is that east of the Alleghenies and north of the Potomac; yet the time is not exceedingly remote when, for instance, colleges of considerable importance in that region did not have separate chairs of history.

If we face the present conditions of historical work in the South and West, the question, What could and should be done? resolves itself in large part into the general question, What are the means by which a subject which has not yet received its due share of public attention or its due place in the educational curriculum may be enabled to secure it? In the first place, like any other ideal cause, this cannot be promoted but by single-minded devotion on the part of the students and teachers of history. They must be content to make sacrifices. To be specific, they must steel themselves against the blandishments of publishers. Publishers are forever tempting able students to write text-books and other books that pay. By this time there are plenty of good text-books for almost all subjects, and hardly any real need of more. He that would advance the ideal interests of history must devote himself to those kinds of work that do not and cannot pay.

In the second place, our situation should inculcate the spirit of mutual coöperation. Wherever there is much new or pioneer historical work to be done there is a strong temptation to work for individual credit; but the best interests of history can not be subserved in this way, by isolated achievement. Southern workers must work together and constantly help each other. This Association itself and its various activities afford excellent examples of the value of such coöperation. There is, the speaker believed, no profession in the United States in which harmony and the sense of fellowship are more complete than among the workers in history, and the effects of this are constant and invaluble.

In the third place, historical teachers and workers in the South and West alike ought constantly to push for larger and

better libraries. The average German university library is about twice as large as that of the American university which engages in graduate work. In university, college, or school we are trying to do work like that of the Germans with wholly insufficient equipment. Few persons appreciate in the least what a profusion of books is necessary for excellent historical work and teaching. Here in New Orleans the Howard Memorial Library and its librarian, Mr. Beer, have laid all students of Southern and Southwestern history under the deepest obligations by building up an invaluable collection of books and maps for their use. This will be more and more appreciated as time goes on. But college libraries in the South and West are in most cases wholly insufficient. Professors of history must not cease to agitate for better facilities in this respect. In particular, the trustee mind must be impressed. By a striking anomaly among the educational institutions of the world, the typical American college or university consists, as to its government, of a body of persons who are relatively experts in special fields, ruled over by a body of persons who are relatively amateurs. We must accept the consequences, and proceed to educate.

Finally, the speaker briefly urged attention to the materials and opportunities which southern students now had before them, but would not have much longer, for depicting a vanished social order. A hundred years from now inquiring minds will be eagerly seeking for knowledge of American slavery as an actual institution and for an understanding of the social system which was bound up with it, but now is the golden time to collect the data, before it is too late.

The paper of Prof. Lucy M. Salmon, of Vassar, dealt with matters of interest to teachers of history in schools generally, as well as to those in the South. She discussed in a most entertaining and suggestive manner the problem of cultivating by historical study the pupil's power of observation. Opportunity for developing this faculty is everywhere abundant and open to every discerning and intelligent teacher. Historical occurrences as well as human aspirations are plainly presented in the place—names of every region of America. The architecture of every land, too, is a solid, permanent record of its stages of civilization and its different phases of human thought; thus, to the observant student of history the evanes-

cent and ephemeral spirit of the passing centuries is seen firmly fastened in the stone, brick, and mortar of private dwellings and public edifices.

The afternoon session of Wednesday was taken up with three papers on European history. Prof. F. M. Fling, of the University of Nebraska, read a paper entitled "Louis XVI, Machault, and Maurepas," in which he examined the commonly accepted tradition that the King began the series of unfortunate acts that led to his execution by selecting as his adviser the frivolous Maurepas in place of the upright and sober Machault. According to the common story, he had originally decided upon Machault, but, yielding to the influence of his aunt Adelaide, he recalled the messenger and substituted Maurepas for Machault on the envelope. The tradition, Professor Fling declared, is a mere legend, against the probability of which can be cited, not only written evidence, but the historical setting and circumstances of the time. Maurepas was the man that would naturally be chosen as adviser; Machault was an impossibility. The next paper, on "Sermons as a Source of Mediæval History,"[a] by Prof. C. H. Haskins, of Harvard, dwelt chiefly on the sermons preached at Paris in the thirteenth century, which contain much valuable material for the history of mediæval culture. They throw light on the everyday life of the time and especially upon university conditions, touching upon various aspects of academic methods and procedure, the character of the studies pursued, and the nature of the examinations. Dr. H. A. Sill, of Cornell University, next spoke on "Plato in Practical Politics." Plato's political theories, Dr. Sill maintained, were intended to lead to practical results. He had purposed in early life to enter public service; the *Republic* was offered as a concrete programme of attainable reform; its more polemical portions were directed against imperialistic democracy as well as against the tyrannies represented by Dionysius of Syracuse. On the death of Dionysius, Plato was called by the party of reform to Syracuse to give aid in the establishment of a constitutional monarchy and in freeing the communities subject to Syracuse. The attempt failed, but he still clung to the hope of affecting the policy of the younger Dionysius. He took no active part in the revolution, which resulted in nothing but confusion.

[a] Published in the American Historical Review, October, 1904.

The *Laws*, written near the end of Plato's life and designed to present his theories in a form adapted to actual existing conditions, was evidently composed in a spirit of resignation, bearing witness nevertheless to his undying hope that his ideals might find ultimate realization.

The session of Wednesday evening, the third session of a day filled with good papers and interesting discussions, was devoted to diplomatic history. Prof. F. J. Turner, of the University of Wisconsin, read the first paper, which was a valuable summary statement of the relations of Spain, England, and France in the Mississippi basin from 1789 to 1803. The paper dwelt on the significance of the Louisiana purchase, which gave to the United States the undeniable control of the Mississippi basin, and put an end to a long system of intriguing and plotting which had occupied France, Spain, and England for many years. It recounted briefly the efforts of Spain to secure the western country, the later ambition of France, and the hope of England. The chief value of the paper lay in the fact that it traced in broad outline through the administrations of Washington and Adams the course of diplomatic history; for in the twenty years succeeding the Revolution, as throughout the war itself, diplomatic effort and diplomatic difficulty were intimately associated with the great problem of the West, with American expansion and the occupation of the Mississippi Valley, for the possession of which France and England had already fought a long and exhausting war. The paper read by Prof. George P. Garrison, of the University of Texas, dealt with the annexation of Texas, and, though the title is an old one, the treatment was new, the whole being an important study largely based on hitherto unused documents. Possibly the statement that will attract most attention is that the annexation movement was not brought into being or at first stimulated by pro-slavery influences; that it was the natural product of American growth, of American expansive spirit. The student who has read western history to any purpose will probably be easily convinced by Professor Garrison's assertions. Dr. Jesse S. Reeves gave an interesting account of the events leading up to the treaty of Guadalupe-Hidalgo. He told of the appointment of Trist as commissioner for this critical negotiation. Trist was a clerk in the State Department, devoid of diplomatic experience and without the diplomatic temperament, but he was thought to be

amply qualified to bring to an end Polk's "little war," which was intended to be a lesson to the Mexicans and to furnish an opportunity to get much land as an indemnity for a little trouble. The idea of sending a peace commissioner to accompany the army and seek a favorable opportunity for proposing peace was a very unusual procedure, which may be explained by the coincidence that Santa Anna, having been permitted by Polk to pass into Mexico, had barely arrived at the capital when Polk's overture for peace reached him. Trist succeeded in getting into sundry difficulties with General Scott, in giving untold annoyance to Polk, who wanted California without too much fighting and without any commotion, and finally, in making a treaty, after he was recalled, which was in exact conformity with the letter of his original instructions—a unique and amusing episode in diplomatic history. His correspondence leads one to believe that he did this because he thought that Polk now wanted all of Mexico and that he could throw on Polk the odium of making excessive demands and annihilating Mexico. A generation after these events this petulant diplomat, who had disregarded the orders of his superior and made a treaty which turned over an empire to his country, was paid by Congress for his successful if forbidden services.

The day's programme was brought to an end by an entertaining talk by Dr. Clarence W. Bowen, who spoke of a collection of valuable manuscripts in his possession—the correspondence and diaries of Baron von Closen of Count de Rochambeau's staff. The papers furnish important material for the study of the social conditions and military incidents of the Revolution. By the use of a stereopticon some of the more interesting letters and a number of original drawings by von Closen were exhibited, among the drawings being a sketch of Martha Washington by Alexander Hamilton.

At the Thursday morning session, which, like all the sessions of the previous day, was held at Tulane University, papers in the general field of American history were read. First on the programme was an important paper by Prof. Max Farrand, of Leland Stanford University, on the "Compromises of the Constitution."[a] Professor Farrand showed

[a] The paper is published in the present volume and also in the American Historical Review for April, 1904.

that the current view of the "three great compromises" of the Constitution arose from a distortion of the history of the convention of 1787 under the influence of later controversies. The first and greatest compromise of the Constitution was that which determined the composition of the two Houses of Congress, the provision that three-fifths of the slaves should be counted and that representation and direct taxation were to be apportioned among the States in proportion according to their respective numbers of population being only a subordinate part of the first compromise. Another compromise of the greatest importance related to the method of electing the Executive. The compromise upon the slave trade and navigation acts must be classed with a number of other matters of distinctly lesser importance, while there are in the Constitution many clauses which were worded sometimes ambiguously and always significantly in such a way as to make them of much importance as compromises. It was suggested that the Constitution is a more direct result from the conditions during the period of the Confederation and a more unbroken development from the Articles of Confederation themselves than is generally supposed; and the paper closed with a plea for a careful and unprejudiced study of the work of the convention.

In an interesting paper on the Constitutional Convention of 1864 in Louisiana, Prof. John R. Ficklen, of Tulane University, described the effort to form a constitution, the problems that were presented to the convention, and especially the difficulty of dealing with negro suffrage. Peculiar interest attaches to this convention because it was one of the earliest attempts to restore a seceded State to its place in the Union; because it shows what Union men within the Federal lines were willing to do for the negro; because the reconvening of this convention in 1866 is properly regarded as the proximate cause of the severity of Congressional reconstruction in the South; and lastly, because the scheme devised for the reconstruction of Louisiana was entirely the work of Abraham Lincoln. The result of the convention's work was a constitution containing every provision desired by General Banks, and otherwise mainly a revised edition of the constitution of 1852. It favored the abolition of slavery, and provided for

public schools for colored and white children, but did not extend suffrage to the negroes. The convention lasted seventy-eight days, adopted a constitution filling ten pages, and spent during its deliberations $125,000, of which $791 was for goblets and wineglasses, and $9,421.55 was for liquors and cigars. The next paper on the programme was by Hon. Peter J. Hamilton, of Mobile. It gave an outline of the history of West Florida from 1763 to 1781. The last paper of the morning was on "Popular Sovereignty and the Development of the West," by Prof. Allen Johnson, of Iowa College. The paper was substantially a study of Stephen A. Douglas and the Kansas-Nebraska Act. The argument was in brief as follows: Neither Douglas nor any other statesman invented the doctrine of "squatter sovereignty." The right of the people to regulate their own domestic concerns was already a part of the political creed of western democracy. Douglas, always an advocate of territorial expansion, sought to give it wider application in the new Territories. He is not, therefore, to be regarded as a tool of the slave power. The Kansas-Nebraska Act was the outcome of repeated efforts through ten years to secure the organization of the Territory of Nebraska. His chief concern was the development of the farther West, so that our Pacific possessions might be brought into vital connection with the commonwealths of the Mississippi Valley. The Kansas-Nebraska Act was not planned before the Thirty-third Congress as a political coup. Douglas believed that by repealing the Missouri Compromise in favor of the principle of "popular sovereignty" he was making an apparent but not an actual concession to the South. He did not expect that even Kansas would become slave territory.

The last session of the Association was held in connection with the Economic Association, the subject of discussion being the relation of sociology to history and economics. There was much sober statement, considerable assertion, and a good deal of amiable recrimination. The debate was not without interest, but the residuum of conviction was negligible. The sociologists complained that history is unscientific, if not meaningless. The historian answered that facts are facts, even if sound generalizations are not drawn from them, and they denounced the modern notion that knowledge is not knowledge if it is not obtained, classified, and labeled accord-

ing to the demands of the student of physical science. The sociologists, the historian suggested, may draw as many conclusions as they see fit and torture facts to suit as many hypotheses as they choose, but they ought not to be deluded into the supposition that their work is historical.

The opening paper was by Prof. F. H. Giddings, of Columbia, who said that he conceives of sociology as a study of the general forms of social phenomena and the general causes operative in society; while statistics, history, and ethnography are studies of concrete social relations or occurrences in the present, the recorded past, and the unrecorded development of man before history, properly so called, begins. He developed at some length his conception of sociology as a theory of social causation. Those philosophies of history that are metaphysical were set aside as practically valueless, and those materialistic theories, like Montesquieu's and Buckle's, which try to explain social changes in terms of the direct action of the physical environment upon the human mind, were likewise inadequate. The real key to the explanation of social evolution is found in those characteristics of the physical environment which determine the ethnic and the psychological composition of a population through the processes of migration, including emigration and immigration. In conclusion the speaker called attention to some of the relations of this composition of a people to the possibilities of liberalism and democracy in their social organization. Professor Giddings was followed by Prof. Albion W. Small, of the University of Chicago, who contended that the historians, in spite of all their rejoicing over a new era, have not as yet found the social viewpoint. They spend all their time in indexing dreary, profitless details about inconsequential folk, in developing their technical skill for the discovery of insignificant objects, in learning so much about how to investigate that they have forgotten what is worth investigation. Prof. Charles H. Cooley, of the University of Michigan, in discussing the paper, said that there are three ways of thinking about the nature of history as regards cause and effect, viz, the materialistic, the idealistic, and the organic; that of these the last was the right way, and that it had not been sufficiently emphasized by the speaker. Prof. George L. Burr, of Cornell, in a very interesting criticism of Professor Gid-

dings's assertions, contended that the grievance of which Professor Giddings complained is only that the word history has never meant what he would now make it mean. The theme of history has indeed been, not generalizations, but the lives and deeds of individuals—individual men, individual peoples, individual states, individual civilizations. Its method has been, not biologic, but biographic. Its prime aim, however obscured now and then by the prepossessions, theologic or sociologic, of the historian, has always been, in the simple phrase of Ranke, to learn and to tell *wie es eigentlich gewesen*. History may possibly not be scientific. It is not the sciences alone that have a right to their names and to their fields. If history is not a science of society, it is more; it is society, it is travel, acquaintance, experience, life.

Prof. Willis M. West, of the University of Minnesota, in his comments on the paper, remarked on the readiness of the sociologists to rush in where historians decline to spin cobwebs. The historian, in close touch with complex facts, denies the possibility of capping social life with a formula. The sociologist, with commendable confidence, calls out, "Then bring me your facts and I will tell you what they mean." But there will be no such quaint division of labor. So far as history can be explained, the historian means to explain it himself; and he feels as competent to do so as any one can be who does not study it. The remarks of Professor Emerton, of Harvard, were in substantial accord with the arguments of the other historians. "I can not help thinking," he said in conclusion, "that under the seductive name of sociology we are here meeting once more the ghost of our ancient enemy, the philosophy of history. I am far from denying that there is a great variety of human facts that can be studied in themselves and in their manifold relations with much profit to our day, and in so far as it is the work of sociologists to gather and marshal these facts in usable form, it is worth while to enrich our vocabulary by this one more word of classification. But if sociology is to spend its energies in concocting schemes of philosophy to explain the past and in ever so slight a degree to predict the future, then the sooner it is resolved into its constituent parts and dropped from the schedules of our institutions of learning, the better." Dr. Lester F. Ward, of the Smithsonian Institution, said that

the difference between sociology and history is that sociology is science, while history is not. Sociology is based on a train of causation; history on a train of facts. History he declared to be an agreeable occupation and a pleasant pastime.

The business meeting of the Association, which was held Thursday afternoon, was as usual not the least interesting of the sessions. Dr. James Ford Rhodes presided. The corresponding secretary gave the report of the council, spoke generally of the business that had been transacted, and said that the council had decided that in the future the members of the Association should be consulted more generally than in the past concerning the election of officers, and that blanks would be sent out upon which members might suggest their choices for officers and make any other suggestions concerning the work of the Association. Following a recommendation of the council, the Association voted to discontinue the Church History Section; the reason for this step is simply that the work of the Association is so broad and inclusive that there is no need of separating church history and distinguishing it from other fields of historical study. This action was in accord with a report made by a committee composed of Prof. Samuel Macauley Jackson, Prof. George P. Fisher, and Prof. William A. Dunning, who had been asked by the council in 1902 to get the opinions of members interested in church history, consider the question of the continuance of the section, and investigate the advisability of taking such action. Doctor Bowen, the treasurer, in giving his report for the year, was enabled to say that in spite of increasing expenses the funds of the Association had grown during the year. The total receipts were $7,204.02 and the net gain $736.49. The number of members on the rolls last year was 2,070. The assets of the Association now amount to something over $21,000.

The most interesting and significant new departure was the establishment of a Pacific Coast Branch of the Association. The constitution of this new organization and the terms of its relationship to the general organization are simple. Members of the American Historical Association residing in States wholly or in part west of the Rocky Mountains may, if they so desire, be enrolled as members of the Pacific Branch; other persons desiring membership may become members, if approved by the executive committee, by paying the ordinary

dues to the treasurer of the general Association. The president of the Pacific Branch or a delegate is entitled to attend the meetings of the executive council of the American Historical Association, from whose treasury is to be paid a reasonable sum for clerical expenses of the yearly meetings of the Pacific Branch. An account of these meetings and the papers deemed suitable for inclusion in the reports of the Association are entitled to be printed.

Prof. E. G. Bourne, chairman of the Historical Manuscripts Commission, in reporting on its work, called attention to the recent publication of the Chase Papers and to the dispatches of the French ministers in this country between 1795 and 1798 edited by Prof. F. J. Turner for the present volume. In addition the commission has in contemplation the publication of documents bearing on the diplomatic history of the Republic of Texas, some 15,000 manuscript pages, opening up the important and interesting history of the relations of Texas with the United States, Great Britain, and France. The editorial work is in the hands of Prof. George P. Garrison. The commission, Mr. Bourne reported, are planning to print and distribute a short set of rules or instructions for the transcription and publication of historical manuscripts. For the Public Archives Commission, its chairman, Prof. Herman V. Ames, reported considerable progress during the past year. The field of investigation is now so extended that the commission is represented in nearly three-fourths of the States. It is expected that the publications of the Association for 1903 will contain reports from at least six States—Rhode Island, New Jersey, Virginia, Georgia, Texas, and Colorado. In addition to their other work, representatives of the commission have taken the initiative in securing legislation for the better supervision of the archives of Pennsylvania and have begun work for a similar purpose in New York.

For the board of editors of the *American Historical Review* Prof. George B. Adams spoke chiefly of the fact that the office of the managing editor of the *Review* is now in Washington. Prof. A. C. McLaughlin, in supplementing the report of Professor Adams, gave a short statement concerning the relationship of the *Review* to the Carnegie Institution, saying that while there is no definite agreement, the indefinite understanding is that the managing editor will be

the director of the Bureau of Historical Research established by the trustees of the Carnegie Institution. He also referred to the contemplated work of the Bureau of Research. The committee on the Justin Winsor prize reported through its acting chairman, Prof. Charles H. Hull, of Cornell, that the prize for the year 1903 had been awarded to Dr. Louise Phelps Kellogg, of Madison, Wis., for a monograph on "The American Colonial Charter: A Study of its Relation to English Administration."[a] Following the recommendation of the committee, the Association voted to offer a prize for the best essay on European history, the sum awarded to be charged to the Adams fund and the prize to be called the Herbert Baxter Adams prize. Resolutions were passed thanking the hosts of the Association in New Orleans for their courtesies. The life and services of Gen. Edward McCrady, who held at the time of his death the office of second vice-president in the Association, were appropriately recognized in resolutions of sorrow and respect. The Association voted to meet next year in Chicago and expressed its expectation of meeting in 1905 in Baltimore and Washington and in 1906 in Providence.

The following list includes the names of members who registered at the headquarters at the St. Charles Hotel during the meeting:

Katherine M. Abbott, Lowell, Mass.
George B. Adams, New Haven, Conn.
C. H. Ames, Boston, Mass.
Herman V. Ames, Philadelphia, Pa.
Frank Maloy Anderson, Minneapolis, Minn.
Mary A. Averill, Springfield, Mass.
Kendrick C. Babcock, Tucson, Ariz.
Helen Baldwin, Philadelphia, Pa.
H. H. Barger, Knoxville, Ark.
Eugene C. Barker, Austin, Tex.
C. L. Barstow, New York City.
Carl. L. Becker, Lawrence, Kans.
Lizzie L. Bloomstein, Nashville, Tenn.
Herbert Eugene Bolton, Austin, Tex.
Edward G. Bourne, New Haven, Conn.
Clarence W. Bowen, New York City.
Edith C. Bramhall, Rockford, Ill.
Edmund C. Burnett, Macon, Ga.

[a] Printed in full in the present volume.

George L. Burr, Ithaca, N. Y.
J. Morton Callahan, Morgantown, W. Va.
Caroline A. Carpenter, Auburndale, Mass.
Archibald Cary Coolidge, Cambridge, Mass.
Mr. and Mrs. Deloraine P. Corey, Malden, Mass.
Frances E. Davenport, Chicago, Ill.
A. McF. Davis, Cambridge, Mass.
Horace Davis, San Francisco, Cal.
Jennie M. Davis, New York City.
William E. Dodd, Ashland, Va.
William A. Dunning, New York City.
George M. Dutcher, Middleton, Conn.
Eloise Ellery, Poughkeepsie, N. Y.
Ephraim Emerton, Cambridge, Mass.
William Fairley, Brooklyn, N. Y.
Henry W. Farnam, New Haven, Conn.
Max Farrand, Stanford University, Cal.
Fred Morrow Fling, Lincoln, Nebr.
Worthington C. Ford, Washington, D. C.
George L. Fox, New Haven, Conn.
Sarah M. Gallaher, Birmingham, Pa.
George P. Garrison, Austin, Tex.
Emily L. Graham, Philadelphia, Pa.
John H. Gray, Evanston, Ill.
Lyman B. Hall, Oberlin, Ohio.
Peter J. Hamilton, Mobile, Ala.
Albert Bushnell Hart, Cambridge, Mass.
E. T. Hartman, Boston, Mass.
Charles H. Haskins, Cambridge, Mass.
George H. Haynes, Worcester, Mass.
Ripley Hitchcock, New York City.
F. H. Hodder, Lawrence, Kans.
Charles H. Hull, Ithaca, N. Y.
Joseph Holt Iglehart, Evansville, Ind.
George Iles, New York City.
Samuel Macauley Jackson, New York City.
J. A. James, Evanston, Ill.
J. Franklin Jameson, Chicago, Ill.
Marcus M. Jernegan, Chicago, Ill.
Allen Johnson, Grinnell, Iowa.
Henry Johnson, Charleston, Ill.
Lilian W. Johnson, Knoxville, Tenn.
Winifred Johnson, Cape Girardeau, Mo.
Elizabeth Galloway Kane, Waterbury, Conn.
Margaret R. Kollock, Philadelphia, Pa.
C. S. Larzelere, Mount Pleasant, Mich.
John H. Latané, Lexington, Va.
Florence E. Leadbetter, Boston, Mass.
Maud G. Leadbetter, Boston, Mass.
Isidor Loeb, Columbia, Mo.

Emma J. Longstreth, Philadelphia, Pa.
Hendrik Willem van Loon, Cambridge, Mass.
Walter F. McCaleb, New York City.
C. W. Macfarlane, Philadelphia, Pa.
A. C. McLaughlin, Washington, D. C.
John Bach McMaster, Philadelphia, Pa.
C. E. Merriam, Chicago, Ill.
Daniel Merriman, Boston, Mass.
Roger B. Merriman, Cambridge, Mass.
Maj. D. A. Mills, Halifax, Nova Scotia.
James E. Mitchell, Alma, Mich.
Frederick W. Moore, Nashville, Tenn.
Jenny H. Morrill, Atlanta, Ga.
Julia Swift Orvis, Wellesley, Mass.
Thomas M. Owen, Montgomery, Ala.
Frederick L. Paxson, Boulder, Colo.
Paul S. Peirce, Iowa City, Iowa.
R. W. Perkins, New Orleans, La.
George Petrie, Auburn, Ala.
Ulrich B. Phillips, Madison, Wis.
Helen Gertrude Preston, Philadelphia, Pa.
Ruth Putnam, New York City.
C. H. Rammelkamp, Jacksonville, Ill
E. O. Randall, Columbus, Ohio.
Jesse S. Reeves, Richmond, Ind.
Paul S. Reinsch, Madison, Wis.
James Ford Rhodes, Boston, Mass.
Franklin L. Riley, University, Miss.
Dunbar Rowland, Jackson, Miss.
Lucy M. Salmon, Poughkeepsie, N. Y.
F. A. Sampson, Columbia, Mo.
William A. Schaper, Minneapolis, Minn.
George Winfield Scott, Washington, D. C.
Hugh M. Scott, Chicago, Ill.
J. H. Sears, New York City.
Edwin R. A. Seligman, New York City.
W. R. Shepherd, New York City.
W. H. Siebert, Columbus, Ohio.
H. A. Sill, Ithaca, N. Y.
Mrs. Annie M. L. Sioussat, Baltimore, Md.
St. George L. Sioussat, Northampton, Mass.
Albion W. Small, Chicago, Ill.
Dora E. Smith, Buffalo, N. Y.
Theodore Clarke Smith, Williamstown, Mass.
Edwin Erle Sparks, Chicago, Ill.
Henry C. Stanclift, Mt. Vernon, Iowa.
H. Morse Stephens, Berkeley, Cal.
James Sullivan, New York City.
Phebe T. Sutliff, Warren, Ohio.
David Y. Thomas, Conway, Ark.

C. Mildred Thompson, Atlanta, Ga.
James Westfall Thompson, Chicago, Ill.
R. G. Thwaites, Madison, Wis.
Norman M. Trenholme, Columbia, Mo.
Frederick J. Turner, Madison, Wis.
John Martin Vincent, Baltimore, Md.
G. O. Virtue, Winona, Minn.
Williston Walker, New Haven, Conn.
J. E. Wamsley, Jackson, Miss.
Maj. B. R. Ward, Halifax, Nova Scotia.
Joseph Parker Warren, Chicago, Ill.
Jenny C. Watts, Cambridge, Mass.
U. G. Weatherly, Bloomington, Ind.
Frederick Latimer Wells, Chicago, Ill.
W. M. West, Minneapolis, Minn.
William Craig Wilcox, Iowa City, Iowa.
Arthur H. Wilde, Evanston, Ill.
Henry Willis, Philadelphia, Pa.
W. W. Willoughby, Baltimore, Md.
E. W. Winkler, Austin, Tex.
George Parker Winship, Providence, R. I.
James Albert Woodburn, Bloomington, Ind.

The American Historical Association in account with Clarence W. Bowen, treasurer.

DR.

1903.		
Dec. 24	To paid treasurer's clerk hire, etc., vouchers 2, 17, 41, 59, 90, 101, 129, 139	$194.25
	secretary's clerk hire, etc., vouchers 5, 44, 48, 85, 103, 120	352.40
	corresponding secretary's expenses, vouchers 16, 30, 39, 40, 123, 134, 135, 136	50.60
	postage and stationery, treasurer and secretary, vouchers 1, 20, 33, 75, 76, 95, 96, 100, 107, 121	150.70
	American Historical Review, vouchers 3, 6, 9, 18, 19, 21, 23, 24, 27, 28, 34, 36, 38, 43, 45, 46, 47, 51, 52, 55, 58, 60, 63, 66, 70, 72, 74, 80, 81, 83, 91, 97, 98, 99, 102, 106, 108, 138	3,947.00
	Public Archives Commission, vouchers 8, 12, 22, 25, 29, 37, 69, 78, 113, 114, 115, 116, 117, 118, 124, 125	500.00
	Historical Manuscripts Commission, vouchers 11, 13, 15, 32, 64, 65, 68, 71, 93	398.84
	Winsor Prize Committee, vouchers 14, 50, 67, 119	132.26
	general committee, vouchers 56, 57, 86, 87, 111, 112, 137	94.23
	account annual report 1901, vouchers 10, 26, 62	81.25
	account annual report 1902, vouchers 77, 88	40.95
	printing 1903 catalogue, vouchers 49, 53, 79	118.84
	expenses eighteenth annual meeting, voucher 4	27.70
	expenses nineteenth annual meeting, vouchers 89, 109, 126, 131	126.46
	expenses executive council, vouchers 120, 122, 128, 130, 133	137.34
	engraving certificates, vouchers 7, 31, 61, 82, 92, 104, 105, 132	9.75
	bank collection charges, vouchers 35, 42, 54, 73, 84, 94, 110, 127	8.02
	balance cash on hand, in National Park Bank	2,940.07
	balance cash on hand, in United States Trust Co	12,177.57
		21,488.23
	Total receipts, 1903 $19,204.02	
	Less sale of bond and mortgage 12,000.00	
	Net receipts	7,204.02
	Total disbursements, 1903	6,370.59
	Excess of receipts over disbursements	833.43

The American Historical Association in account with Clarence W. Bowen, treasurer—Continued.

1902.	CR.	
Dec. 26	By balance cash on hand	$2,194.21
1903.		
Dec. 24	By 1,907½ annual dues, at $3	5,722.00
	1 annual dues, at	3.05
	10 annual dues, at $3.10	31.00
	1 annual dues, at	3.25
	12 life memberships, at $50	600.00
	Sales of publications	100.50
	Royalty on The Study of History in Schools	19.00
	Dividends on bank stock	40.00
	Interest on bond and mortgage	602.57
	Interest on Herbert B. Adams fund	172.55
	Sale of bond and mortgage	12,000.00
		21,488.23
	By balance cash on hand	15,117.64

The assets of the Association are:

Bank stock, 5 shares American Exchange National Bank, New York, at $210		$1,050.00
Cash on hand		15,117.64
Accrued interest on certificate of deposit		130.95
Herbert B. Adams legacy	$4,875.00	
Accrued interest	60.11	
		4,935.11
Total		21,233.70
An increase during the year of		736.49

Respectfully submitted.

CLARENCE W. BOWEN, *Treasurer.*

NEW YORK, *December 24, 1903.*

Audited and found correct.

W. W. HOWE,
HORACE DAVIS,
Auditing Committee.

PRESENT ACTIVITIES OF THE ASSOCIATION.

The following list enumerates the present leading activities of the American Historical Association:

(1) The annual meeting of the Association held during the Christmas holidays in the East or the West or the District of Columbia in triennial succession.

(2) The annual report of the secretary of the Association concerning the annual meeting and its proceedings, with the papers, bibliographies, and other historical materials submitted through the Secretary of the Smithsonian Institution for publication by Congress.

(3) The preservation of historical exchanges, books, pamphlets, reports, and papers of the Association in the National Museum at Washington, D. C., in the keeping of Mr. A. Howard Clark, secretary of the Association and curator of the historical collections.

(4) The Historical Manuscripts Commission of six members, established in 1895, and now receiving from the Association a subsidy of $500 a year for the collection and editing of important manuscripts; Prof. Edward G. Bourne, New Haven, Conn., chairman.

(5) The Public Archives Commission, established in 1899, for investigating the public archives of the several States and of the United States, and now receiving a subsidy of $500 a year for the expenses incident to

preparing its reports; Prof. Herman V. Ames, of the University of Pennsylvania, chairman.

(6) The committee on publications, to pass upon papers and monographs submitted to the Association for publication; Prof. George W. Knight, of the Ohio State University, chairman.

(7) The committee on bibliography, to advise the executive council and to coöperate with the American Library Association upon matters of bibliographical interest; Dr. Ernest C. Richardson, of Princeton University, chairman.

(8) A general committee, representing the local interests of the Association; Prof. Henry E. Bourne, of Western Reserve University, chairman.

(9) The "Justin Winsor prize" of $100 for the best unpublished monographic work based upon original investigation in American history; Prof. Charles M. Andrews, Bryn Mawr College, chairman of the committee.

10. The American Historical Review, published quarterly, and subsidized by the American Historical Association, whose executive council elects the board of editors; Prof. A. C. McLaughlin, of the University of Michigan, managing editor.

(11) A series of reprints of the chief original narratives of early American history, published by authority of the Association; Prof. J. Franklin Jameson, of the University of Chicago, general editor.

(12) The "Herbert Baxter Adams prize" for the best monograph in the field of European history. This prize has been established from the income of the Adams bequest, but the conditions of award have not yet been determined; Prof. Charles Gross, Harvard University, chairman of the committee.

MINUTES OF THE BUSINESS MEETING OF THE AMERICAN HISTORICAL ASSOCIATION, HELD AT THE NEW ST. CHARLES HOTEL, NEW ORLEANS, LA., AT 3.30 P. M., DECEMBER 31, 1903.

Ex-President Rhodes in the chair. In the absence of the secretary his duties were performed by the corresponding secretary.

On behalf of the council the corresponding secretary reported that the council had held a meeting at New York, November 27, 1903, and three meetings at New Orleans, December 29–31, 1903, and that at these meetings reports of the various standing committees and commissions had been presented and considered and the usual appropriations made for the continuation of their work for the coming year. The council submitted to the Association a recommendation in favor of discontinuing the Church History Section of the Association, in accordance with a report to this effect made by a committee consisting of Dr. Samuel Macaulay Jackson, Dr. George P. Fisher, and Prof. William A. Dunning, appointed by the council November 28, 1902. Dr. Jackson explained to the Association the difficulties with which the Church History Section had had to contend and the desire for its discontinuance on the part of a majority of those members of the former American Society for Church History who responded to the committee's inquiries. It was voted by the Association that the Church History Section be discontinued.

The council also recommend the organization of a Pacific Coast Branch of the American Historical Association upon the following terms, which were approved by the Association:

"Whereas it has been proposed that a branch of the American Historical Association be organized, to be known as the Pacific Coast Branch, and that the constitution of said branch be in form as follows:

"CONSTITUTION.

"I. The name of this organization shall be the Pacific Coast Branch of the American Historical Association.

"II. Its objects shall be the advancement of the interests of the American Historical Association, and the promotion of historical studies on the Pacific coast.

"III. Members of the American Historical Association residing in States which lie wholly or in part west of the Rocky Mountains who so desire shall be ipso facto members of the Pacific Coast Branch. Any other person in the region so defined may, if approved by the executive committee, become a member of the Pacific Coast Branch, by paying $3 to the treasurer of the American Historical Association; and after the first year may continue a member by paying an annual fee of $3. On payment of $50, such persons may become life members, exempt from fees.

"Members and life members of the Pacific Coast Branch are members and life members, respectively, of the American Historical Association.

"IV. The officers shall be a president, a vice-president, a secretary-treasurer, and an executive committee consisting of the foregoing officers and at least four other members. These officers shall be elected by ballot at each regular annual meeting of the Pacific Coast Branch.

"V. The executive committee shall have charge of the general interests of the Pacific Coast Branch, including the election of members, the calling of meetings, and the selection of papers to be read.

"VI. Any papers presented at a meeting of the Pacific Coast Branch, which the executive committee may deem worthy, shall be sent to the executive council of the American Historical Association, with the request that they be published in the annual report of the Association.

"VII. This constitution may be amended at any annual meeting of the Pacific Coast Branch, notice of such an amendment having been given at the previous annual meeting, or the proposed amendment having received the approval of the executive committee; but all amendments shall be subject to the approval of the executive council of the American Historical Association.

"*Resolved*, That the proposition to organize such a branch under such constitution is approved by the American Historical Association.

"*Resolved*, That, if such Pacific Coast Branch be organized, with a constitution as above, the president, or a delegate, of said branch shall be invited to attend the meetings of the executive council of the American Historical Association; that a reasonable annual appropriation shall be made from the treasury of the American Historical Association for clerical expenses of the yearly meeting of the Pacific Coast Branch; that the proceedings of the yearly meetings of the branch be incorporated in the annual reports of the Association; and that there shall be included in the reports of the Association such papers read before the branch as shall be deemed by the executive council suitable for inclusion in such reports."

The report of the treasurer and auditing committee was received and placed on file.

The following committees made brief reports: The Historical Manuscripts Commission, Prof. Edward G. Bourne, chairman; the Public Archives Commission, Prof. Herman V. Ames, chairman; the board of editors of the American Historical Review, Prof. George B. Adams, chairman; the bibliographical committee, Prof. E. C. Richardson, chairman; the general committee, Prof. Henry E. Bourne, chairman. In connection with the report of the board of editors of the American Historical Review, Prof. Andrew C. McLaughlin gave some account of the Bureau of Historical Research established by the Carnegie Institution at Washington.

The committee on the Justin Winsor prize reported through its acting chairman, Prof. Charles H. Hull, that the prize for the year 1903 had been awarded to Miss Louise Phelps Kellogg, Ph. D., Madison, Wis., for a monograph upon "The American Colonial Charter; a Study of its Relation to English Administration, chiefly after 1688."

This committee also laid before the Association a report, prepared by request of the council, upon the expediency of establishing a prize in

European history in memory of the first secretary of the Association, the late Prof. Herbert B. Adams. The Association adopted the three following recommendations of the committee, namely:

1. The committee recommends that the Association establish an historical prize, to be awarded under conditions generally similar to those of the Justin Winsor prize; that this be charged upon the income of the Adams fund, and that it be called "The Herbert Baxter Adams prize."

2. The committee recommends that the Adams prize be given for the best essay in European history.

3. We recommend the appointment by the Association of a standing committee whose relation to the Adams prize shall be similar to our relation to the Winsor prize.

The fourth recommendation, namely, that the Adams prize be awarded annually and be not larger than the Winsor prize, was by vote referred to the committee on the Adams prize for consideration and report.

Reports were then received from the various temporary committees which had been announced by the president at the session of Tuesday morning. The committee on time and place of next meeting, Messrs. J. F. Jameson, George L. Burr, and Charles H. Haskins, reported a recommendation that Chicago be designated as the place of meeting for 1904, with the expectation that the meeting of 1905 be held in Baltimore and Washington and the meeting of 1906 in Providence; and that the time of the next annual meeting be Wednesday, Thursday, and Friday, December 28, 29, and 30, 1904. The report of the committee was adopted by the Association.

The committee on nominations, consisting of Messrs. Reuben G. Thwaites, J. A. James, and J. M. Vincent, proposed the following list of officers for the ensuing year, for which the secretary was instructed to cast the ballot of the Association: President, Goldwin Smith, LL. D., Toronto, Canada; first vice-president, John Bach McMaster, LL. D., Philadelphia; second vice-president, Simeon E. Baldwin, LL. D., New Haven, Conn.; secretary, A. Howard Clark, Smithsonian Institution, Washington, D. C.; corresponding secretary, Charles H. Haskins, Ph. D., Cambridge, Mass.; treasurer, Clarence W. Bowen, Ph. D., New York City.

Executive council (in addition to the above-named officers and the ex-presidents of the Association): Herbert Putnam, Litt. D., Washington, D. C.; Frederick J. Turner, Ph. D., Madison, Wis.; George L. Burr, A. B., Ithaca, N. Y.; Edward P. Cheyney, A. M., Philadelphia, Pa. (these four were renominated); Edward G. Bourne, Ph. D., New Haven, Conn.; Andrew C. McLaughlin, A. M., Washington, D. C.

The following resolutions, proposed by a committee consisting of President K. C. Babcock and Messrs. W. C. Wilcox and W. E. Dodd, were unanimously adopted by the Association:

"The American Historical Association by this means expresses its high and cordial appreciation of the generous hospitality and courtesy of the citizens of New Orleans, which have contributed so largely to make memorable this meeting in this historic city in this anniversary year. Particular recognition also is made of the obligations of the Association to Tulane University and its president, Dr. E. A. Alderman, to the local committee and its chairman, Prof. J. R. Ficklen, and to the Louisiana Historical

Society and its president, Prof. Alcée Fortier. The reception graciously tendered by Mrs. T. G. Richardson, the smoker given by the Round Table Club, and the opening of the Round Table Club, the Boston Club, and the Atheletic Club to members of the Association have added distinctly to the success and pleasure of the meeting."

The Association also expressed its sense of loss at the death of Theodor Mommsen, honorary member of the Association and the last of that great school of German historians and teachers of history from which American scholarship has drawn such large and abiding inspiration.

The following minute with regard to the death of the second vice-president of the association, Gen. Edward McCrady, was presented by a committee consisting of President E. A. Alderman and Messrs. John R. Ficklen and Albert Bushnell Hart, and was adopted by the Association.

"The American Historical Association desires to place on its records its sense of loss in the untimely death of Gen. Edward McCrady, second vice-president of the Association. We had expected his presence and guidance at this meeting. We were eager to bestow upon him in due time the highest honors in our gift. We hoped for his counsel during years to come.

"As an historical writer General McCrady performed a great service for his beloved State of South Carolina, and for all students and readers of American history. In public life he bore himself a man of high public spirit. In his private life he drew the affection and confidence of all who were admitted to his intimacy. He was a good soldier, a good historian, a gallant gentleman, without fear and without reproach."

On behalf of the council the corresponding secretary announced the appointment of the following committees:

ANNUAL COMMITTEES.

Committee on programme of twentieth annual meeting.—J. Franklin Jameson, Henry E. Bourne, Ralph C. H. Catterall, Charles H. Haskins, Reuben G. Thwaites.

Local committee of arrangements.—Charles L. Hutchinson, Edward E. Ayer, E. W. Blatchford, Edward O. Brown, James H. Eckels, James W. Fertig, Marshall Field, C. F. Gunther, William R. Harper, Franklin H. Head, H. N. Higinbotham, James A. James, J. Franklin Jameson, Harry P. Judson, Elbridge G. Keith, Samuel H. Kerfoot, jr., Hermann H. Kohlsaat, J. B. Leake, Franklin McVeagh, E. E. Prussing, Martin A. Ryerson, Otto L. Schmidt, Francis W. Shepardson, Edwin E. Sparks, Benjamin S. Terry, James Westfall Thompson, Joseph P. Warren (with power to add members at the discretion of the chairman).

Committee on the entertainment of ladies.—Mrs. Mary J. Wilmarth, Miss Sophonisba Preston Breckinridge, Miss Ida M. Tarbell (with power to add other members at the discretion of the chairman).

STANDING COMMITTEES, COMMISSIONS, AND BOARDS.

Editors of the American Historical Review.—Andrew C. McLaughlin, H. Morse Stephens, George B. Adams, J. Franklin Jameson, William M. Sloane (these five hold over); Albert Bushnell Hart (reelected for term ending January 1, 1910).

Historical Manuscripts Commission.—Edward G. Bourne, Frederick W. Moore, Theodore C. Smith, Reuben G. Thwaites, George P. Garrison, Worthington C. Ford.

Committee on the Justin Winsor prize.—Charles M. Andrews, E. P. Cheyney, Charles H. Hull, Roger Foster, Williston Walker.

Committee on the Herbert Baxter Adams prize.—Charles Gross, George L. Burr, Victor Coffin, James Harvey Robinson, John Martin Vincent.

Public Archives Commission.—Herman V. Ames, William MacDonald, Herbert L. Osgood, Charles M. Andrews, E. E. Sparks.

Committee on bibliography.—Ernest C. Richardson, A. P. C. Griffin, George Iles, William C. Lane, Reuben G. Thwaites, Max Farrand.

Committee on publications.—George W. Knight, A. Howard Clark, F. M. Fling, S. M. Jackson, Miss Elizabeth Kendall, A. D. Morse, Earle W. Dow.

General committee.—Henry E. Bourne, Charles H. Haskins, Miss Lucy M. Salmon, Miss Lilian W. Johnson, George E. Howard, John S. Bassett, William MacDonald, George B. Adams, Marshall S. Brown (with power to add adjunct members).

Finance committee.—Elbridge T. Gerry, George S. Bowdoin.

The meeting adjourned at 6 p. m.

CHARLES H. HASKINS,
Acting Secretary.

PROGRAMME OF EXERCISES AT THE NINETEENTH ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION, HELD AT NEW ORLEANS, DECEMBER 29, 30, AND 31, 1903.

Persons not members of the Association will be cordially welcome to the sessions.

Papers in the regular sessions are limited to twenty minutes; in the conference on the study of history to ten minutes. Those who read papers or take part in the conference are requested to furnish the secretary with abstracts of their papers.

First Session, Tuesday, 10.30 a. m., at the Cabildo.

[Under the auspices of the Louisiana Historical Society.]

THE LOUISIANA PURCHASE.

1. World Aspects of the Louisiana Purchase. Prof. William M. Sloane.
2. The Civil and the Common Law in the Louisiana Purchase. Hon. William Wirt Howe.
3. New Orleans and the Aaron Burr Conspiracy. Dr. Walter Flavius McCaleb.
4. The Story of Lewis and Clark's Journals. Mr. Reuben G. Thwaites.
5. Louisiana in the Spanish Archives. Dr. W. R. Shepherd.

Tuesday, 1 p. m., luncheon at Cabildo; 3 p. m., private meetings of the executive council and of committees and boards, at the St. Charles.

Second Session, Tuesday, 8 p. m., at Newcomb Hall.

JOINT MEETING WITH THE AMERICAN ECONOMIC ASSOCIATION.

Address of welcome. President E. A. Alderman, of Tulane University.

Annual address: Social Aspects of Economic Law. Prof. Edwin R. A. Seligman, President of the American Economic Association.

Annual address: Ethical Values in History, Dr. Henry C. Lea, President of the American Historical Association.

Third Session, Wednesday, 10.30 a. m., at Tulane University.

CONFERENCE ON THE STUDY AND TEACHING OF HISTORY IN THE SOUTH.

Addresses by Prof. J. S. Bassett, Prof. W. E. Dodd, Prof. Alcée Fortier, Prof. Lilian W. Johnson, Prof. F. W. Moore, Hon. Thomas M. Owen, Prof. F. L. Riley, and Prof. D. Y. Thomas, from the Southern States, and by Prof. J. F. Jameson and Prof. Lucy M. Salmon from the North.

Wednesday, 1 p. m., luncheon at Tulane University.

FOURTH SESSION, WEDNESDAY, 2.30 P. M., AT TULANE UNIVERSITY.

EUROPEAN HISTORY.

1. Louis XVI., Machault, and Maurepas. Prof. F. M. Fling.
2. Sermons as Sources of Mediæval History. Prof. C. H. Haskins.
3. Plato in Practical Politics. Prof. H. A. Sill.

Wednesday, 4 p. m., political science meeting, Tulane Library.
Wednesday, 4 to 6 p. m., reception at Mrs. Richardson's.

FIFTH SESSION, WEDNESDAY, 8 P. M., AT TULANE UNIVERSITY.

DIPLOMATIC HISTORY.

1. Relation of Spain, England, and France to the Mississippi Valley, 1789–1800. Prof. F. J. Turner.
2. Texas Annexation. Prof. G. P. Garrison.
3. The Treaty of Guadalupe-Hidalgo. Dr. Jesse S. Reeves.
4. Some Unpublished Papers of Baron von Closen of Rochambeau's Staff (illustrated). Dr. C. W. Bowen.

Wednesday, 10 p. m., smoker at the Round Table Club.

SIXTH SESSION, THURSDAY, 10.30 A. M., AT TULANE UNIVERSITY.

AMERICAN HISTORY.

1. The Compromises of the Constitution. Prof. Max Farrand.
2. The Constitutional Convention of 1864 in Louisiana. Prof. J. R. Ficklen.
3. British West Florida, 1763–1781. Hon. P. J. Hamilton.
4. Popular Sovereignty and the Development of the West. Prof. Allen Johnson.
5. Additional Bibliography of the Fourteen United States Congresses. Gen. A. W. Greely (read by title).
6. Early Disturbances in Carolina. Prof. E. W. Sikes (read by title).

Thursday, 3.30 p. m., annual meeting of the Association at the St. Charles.

SEVENTH SESSION, THURSDAY, 8 P. M., AT TULANE UNIVERSITY.

JOINT MEETING WITH THE AMERICAN ECONOMIC ASSOCIATION.

The Relation of Sociology to History and Economics. Prof. F. H. Giddings.
Discussion of the paper by Prof. E. Emerton, Prof. G. L. Burr, and Prof. W. M. West, of the American Historical Association, and Prof. A. W. Small, Prof. C. H. Cooley, and Mr. Lester F. Ward, of the American Economic Association.

Thursday, 9.30 p. m., reception to the two associations in the library of Tulane University.

Friday, 9.30 a. m., steamboat excursion on the Mississippi, landing at a sugar plantation.

II.—ETHICAL VALUES IN HISTORY.

By HENRY CHARLES LEA,
President of the American Historical Association.

ETHICAL VALUES IN HISTORY.[a]

By Henry Charles Lea.

Circumstances deprive me of the honor of presiding over this meeting of the American Historical Association to which your kindly appreciation has called me, but at least I can fulfil the pleasant duty of addressing to you a few words on a topic which is of interest to all of us, whether students or writers of history. In this I do not pretend to instruct those whose opinions are, to say the least, fully as mature and worthy of consideration as my own, but merely to contribute to a discussion which will probably continue as long as men shall strive to bring the annals of the past to the knowledge of the present.

One whose loss we all deplore and whose memory we honor as perhaps the most learned and thoughtful scholar in the English-speaking world—the late Lord Acton—in his well-known Cambridge lecture, has formally placed on record his opinion on ethical values in history when saying, "I exhort you never to debase the moral currency or to lower the standard of rectitude, but to try others by the final maxim that governs your own lives and to suffer no man and no cause to escape the undying penalty which history has the power to inflict on wrong. The plea in extenuation of guilt and mitigation of punishment is perpetual. At every step we are met by arguments which go to confuse, to palliate, to confound right and wrong, and to reduce the just man to the level of the reprobate. The men who plot to baffle and resist us are, first of all, those who made history what it has become. They set up the principle that only a foolish Conservative judges the present time with the ideas of the past; that only a foolish Liberal judges the past with the ideas of the present."

[a] The President's address to the American Historical Association, December 29, 1903

The argument with which Lord Acton justifies this exhortation to his students presupposes a fixed and unalterable standard of morality, together with the comfortable assurance that we have attained to that absolute knowledge of right and wrong which enables us to pass final judgment on the men of the past, secure that we make no mistake when we measure them by our own moral yardstick. Every foregone age has similarly flattered itself, and presumably every succeeding one will continue to cherish the same illusion.

I must confess that to me all this seems to be based on false premises and to lead to unfortunate conclusions as to the objects and purposes of history, however much it may serve to give point and piquancy to a narrative, to stimulate the interest of the casual reader by heightening lights and deepening shadows, and to subserve the purpose of propagating the opinions of the writer.

As regards the inferred premiss that there is an absolute and invariable moral code by which the men of all ages and of all degrees of civilization are to be tried and convicted or acquitted, a very slender acquaintance with the history of ethics would appear sufficient to establish its fallacy. It would be overbold to suggest that morals are purely conventional and arbitrary, yet anthropological research has shown that there is scarce a sin condemned in the Decalogue which has not been or may not now be regarded rather as a virtue, or at least as an allowable practice, at some time or place among a portion of mankind, and no one would be so hardy as to judge with the severity of the Hebrew lawgiver those who merely follow the habits and customs in which they have been trained. We regard the gallows as the rightful portion of him who slays his fellow-creature for gain, yet who among you would inflict the death penalty on the head-hunter of Borneo? You would condemn the superstition which leads him to glory in the deed, but your conscience would acquit him of personal guilt, for he but follows the tradition of his race, and he may in all other human relations lead an exemplary life. The actor in a Corsican vendetta is not to be judged as a common murderer, although his life may rightly pay to society the forfeit arising from his being the survival of an older and ruder civilization.

Race, civilization, environment, all influence the moral perceptions, which vary from age to age, while the standards of right and wrong are modified and adapted to what at the moment are regarded as the objects most beneficial to the individual or to the social organization. At one time these may concern the purity or advancement of religion; at another, self-preservation or the welfare of the clan or the nation; at another, personal well-being and the development of industry as a means to that end. Whatever stands foremost in any given period will be apt to receive special recognition from both the ethical teacher and the lawgiver. It is to legislation that we must look if we desire to understand the modes of thought and the moral standards of past ages; and a comparison of these with those now current will show how unstable and fluctuating are ethical conceptions. We are unable to conceive of vicarious punishment as justifiable, yet Hammurabi in some cases slays the innocent son and lets the guilty father go scathless. To us the idea of levirate marriage is abhorrent, but it has been regarded as legally a duty by races so far removed from each other in origin and distance as the Hebrew and the Hindu. Among the Hebrews the severest of all penalties was lapidation, which was reserved for the most atrocious crimes. Of these, omitting sexual aberrations, which we need not consider here, Thonissen enumerates eight—idol worship, consecration of children to Moloch, magic and divination, blasphemy, Sabbath breaking, cursing a parent, and disobedience to parents. Examine our modern codes, in which these have either disappeared or are treated as comparatively trivial offenses, and you will be constrained to admit that crime is largely conventional, dependent not on an eternal and imprescriptible moral law, but on the environment in which a portion of mankind happens at the time to be placed. To the Hebrew priest the preservation of his religion was the one essential thing, and no penalty was too severe for aught that threatened its supremacy.

So it was in the middle ages, when the priest erected a similar standard of morals, claimed for it the sanction of divine law, and compelled its insertion in statute law. No character in medieval history stands forth with greater luster than the good St. Louis of France, yet, if his faithful biographer de

Joinville is to be believed, he held that the only argument which a layman should use with a heretic was to thrust a sword into him; and we know by authentic documents that he fostered the nascent Inquisition and had no scruple in enriching his treasury with the confiscations resulting from the burning of heretics. We of to-day are not lacking in religious convictions, though we are learning the lesson of toleration; lapidation and the stake for opinion's sake are abhorrent to us, but who among us would feel justified in applying Lord Acton's formula and condemning the Hebrew or St. Louis when we feel that they acted on profound conviction? No English jurist has left a fairer record than Chief Justice Hale, yet he calmly sent to the gallows poor old women for witchcraft, such being the law of the land to which he gave his hearty concurrence. Would you condemn him as you would a modern judge? Voltaire has sufficiently shown the use that may be made of thus trying one age by the standards of another in his mocking sketch of David, the man after God's own heart.

It may perhaps be urged that in thus asserting the temporary and variable character of morals we are destroying the foundations of morality in general and the eternal distinction between right and wrong. This is begging the question, for it presupposes that there is a universal and inflexible standard of morals. Such there may be, like the so-called law of nature of the scholastic theologians, but the history of mankind fails to reveal it, and the truest test of any period is the standard which it made or accepted, for this shows, better than aught else, whether it was a period of progress or one of retrogression. Speculations enough there have been among philosophers, ancient and modern, as to the origin of the conception of what we call sin and righteousness, which would lead us too far from our subject to discuss here. Suffice it to say that what we find current around us is merely the result of the finite wisdom of our ancestors adapting themselves to the exigencies of their surroundings. We have fortunately inherited the noble ideals of the school of Hillel, broadened and deepened and rendered applicable to all mankind by the teachings of Christ. We have accepted them in theory for well-nigh two thousand years, yet only within a century or two has there been any serious effort to reduce them to practice, and

that effort thus far has been more significant in its failures than in its successes. There is ample work before us in laboring for their embodiment in our daily lives, and we can well afford to cast the mantle of charity over those who, in fact, have been only one or two steps behind us in the application of the Sermon on the Mount.

Meanwhile, as connected with our subject, we may reflect that there is some truth in the distinction drawn by the casuists between material and formal sin—the sin which a man commits in ignorance being venial, while that which he does knowingly is mortal. This doctrine is not without its dangers, and Pascal has exposed the unmoral results to which it may lead in skillful hands, but for our purpose it may be borne in mind when we feel called upon to pass judgment on historical characters. It makes the human conscience the standard of conduct. If a man does wrong, conscientiously believing it to be right, he is justified before God; if he does right believing it to be wrong, he is condemned. Roughly speaking, in a region so full of pitfalls for unwary feet, the theory of invincible ignorance, though liable to abuse, is not to be overlooked.

Thus far I have sought briefly to show that Lord Acton's dictum is defective in principle. As regards its practical application, I presume that you will agree with me that history is not to be written as a Sunday-school tale for children of larger growth. It is, or should be, a serious attempt to ascertain the severest truth as to the past and to set it forth without fear or favor. It may and it generally will, convey a moral, but that moral should educe itself from the facts. Characters historically prominent are usually so because they are men of their time, the representatives of its beliefs and aspirations; and they should be judged accordingly. If those beliefs and aspirations lead to evil the historian should seek to trace out their origin and development, and he can, if he so chooses, point out their results; but he should not hold responsible the men who obeyed their consciences, even if this led them into what we conceive to be wrongdoing. It is otherwise with those who have sinned against the light vouchsafed to them, for to condemn them is simply to judge them by the standards of their time.

In other words, this is merely to apply the truism that the

historian should so familiarize himself with the period under treatment that, for the time, he is living in it, feeling with the men whose actions he describes, and viewing events from their standpoint. Thus alone can he give us an accurate picture of the past, making us realize its emotions and understand the evolution of its successive stages. This is the true philosophy of history, and from this the reader can gather for himself the lessons which it teaches.

To depart from this and to inject modern ethical theories into the judgment of men and things of bygone times is to introduce subjectivity into what should be purely objective. We all of us have our convictions—perchance our prejudices—and nothing for the historian is more vital than to be on his guard against their affecting his judgment and coloring his narrative. Above all things he should cultivate the detachment which enables him soberly and impartially to search for and to set forth the truth. He may often feel righteous indignation—or what he conceives to be righteous—but he should strenuously repress it as a luxury to be left to his reader. Moreover, he should beware of theories; for when a theory once takes possession of a writer it renders him an unsafe guide and inspires reasonable distrust. The historian who becomes an advocate or a prosecutor instead of a judge forfeits his title to confidence, and, if he aspires to be a judge, he should not try a case by a code unknown to the defendant.

Perhaps this somewhat dry disquisition can be rendered more interesting by a concrete example; and for this I know of none fitter than Philip II of Spain, whose character has exercised so many brilliant pens. Our eloquent Motley, who represents him as a monster with scarce a redeeming trait, says that "To judge him, or any man in his position, simply from his own point of view, is weak and illogical. History judges the man from its point of view. It condemns or applauds the point of view itself. The point of view of a malefactor is not to excuse robbery and murder. Nor is the spirit of the age to be pleaded in favor of the evil doer at a time when mortals were divided into almost equal troops" (History of the Netherlands, I, 6). This is the language of a partisan and not of an historian; and the writer is blind to the inference to be drawn from another remark, "That

monarch considered himself born to suppress heresy and he had certainly been carrying out the work during his whole lifetime" (Ibid., I, 257).

Now, Philip II, as an abstract object of contemplation, is in no sense an attractive figure. In all that awful sixteenth century there was, perhaps, no one who wrought, directly or indirectly, so much of human misery, no one who was more ready to supplement open force with secret guile, no one who hesitated less to resort to corruption or, if needs be, to murder. To the historian who is content with the surface of things, it is easy to condemn him offhand and to adduce ample evidence in support of the verdict the execution of Montigny, the assassination of William the Silent and of Escobedo, the terrors of the Tribunal of Blood, the horrors of the rebellion of Granada, the stimulation of the wars of the League, the systematic bribery by which he bought the secrets of every court in Europe, to say nothing of the satisfaction which he derived from the spectacle of his own subjects in an auto de fe. All this is true, and to the superficial observer it may seem idle to say a word in extenuation of so black a catalogue of misdeeds. Yet the student in earnest quest of truth may reasonably pause and ask himself whether Philip is to be held morally responsible for all these crimes, whether he was a mere bloodthirsty tyrant who rejoiced in the infliction of suffering on his fellow-creatures and revelled, like the Emperor Claudius, in witnessing human agony; or whether he was the misguided agent of a false standard of duty, and conscientiously believed himself to be rendering the highest service to God and to man. If the latter be the case, we must acquit Philip of conscious guilt, and reserve our censure for the spirit of the age which misled him. If Elijah is praised for slaying in one night four hundred and fifty priests of Baal, how is Philip to be condemned for merely utilizing larger opportunities in the same spirit? Does not, in truth, the difference lie only in the question, Whose ox is gored? Even in the assassinations which he ordered he had the assurance of his confessor, Fray Diego de Chaves, that a prince was fully authorized to take the lives of his subjects without process of law.

When, in fact, we analyze his reign, we find that the enforcement of religious unity was the primary motive of his

public career, and that it was the object of almost all the acts for which we are asked to condemn him. For three hundred years it had been the uncontested rule in both church and state that the obstinate dissident, or heretic, was to be put to death by fire. Even men of the largest Christian charity accepted this as one of the eternal verities, and he who ventured to question it became himself a heretic who must either recant or share the same fate. Heresy was not only a sin, subject to spiritual animadversion, but a crime visited with capital punishment by all the secular codes of Europe. Pity were better invoked for the murderer or the highwayman than for the heretic; for the heretic was the slayer of souls, while the ordinary criminal affected only the body or the purse. With the outbreak of the Reformation, the threatened disruption of the unity of faith inflamed to the highest pitch the zeal for its preservation, though we need not pause to inquire how much the lust of worldly power and wealth disguised itself under the striving for the salvation of souls. When dynasties depended on dogmas, religion became of necessity the most absorbing of public questions, and the self-deception was easy which clothed secular ambitions in spiritual garments. In the passions of the tremendous struggle each side was equally sure that it alone possessed the true faith, which was to be vindicated with fire and sword. If the canon law required sovereigns to put heretics to death, Luther in 1528 subscribed to a declaration of the Wittenberg theologians prescribing the same fate for those whom they classed as such. If Paul IV in 1555 decreed that all who denied the Trinity should be pitilessly burned, even though they recanted and professed conversion, he but followed the example which Calvin had set, two years before, in the case of Miguel Servet. If France had her feast of St. Bartholomew, Germany had led the way in the slaughter of the Anabaptists. If Spain had her inquisition, England in 1550, under the reforming Edward VI, created a similar organization, with Cranmer at its head, and Ridley, Miles Coverdale, and other eminent Protestants as inquisitors, to seek out, try, and punish dissidents, and to abandon to the secular arm those who proved to be obstinate. Motley fell into grievous error when he asserted that in the sixteenth century "mortals were divided into almost equal troops" concerning the "spirit of the age." Those whom

he represents as struggling for freedom of conscience only wanted freedom to coerce the consciences of others, as was shown in 1566 by the Fury of Antwerp, and in 1618 when the Synod of Dort sat in judgment on the Remonstrants. How the Calvinists shared the "spirit of the age" is well expressed in John Knox's exulting declaration that in 1561, before the arrival in Scotland of Queen Mary, "the Papists were so confounded that none within the Realme durst avow the hearing or saying of Masse then the thieves of Tiddisdale durst avow their stouth or stealing in the presence of any upright judge." The Massachusetts law of October 19, 1658, under which Quakers were put to death on Boston Common, suffices in itself to show that this conception of public duty was not confined to one race or to one confession of faith.

This was the inevitable result of the deplorable doctrine of exclusive salvation, which rendered the extinction of heresy a duty to God and man. To its abandonment by Protestantism is attributable the gradual spread of toleration. To its retention by the Latin Church is ascribable the Ordonnance of May 14, 1724, under which, so late as 1762, Rochette, a pastor of the desert, was executed, merely for performing the rites of his religion. It is, moreover, the inspiration of the encyclic of 1864 in which the kind-hearted Pius IX ordered every Catholic to condemn the error that a man is free to follow the religion which his reason dictates.

The embers which thus are not yet extinct were burning fiercely in the sixteenth century, and into its superheated fanaticism Philip II was born in 1527. The very air which he breathed in childhood and youth was surcharged with all the elements that made persecution a supreme duty and toleration a denial of God. His tutor was a narrow-minded bigot, Martinez Siliceo, rewarded in 1541 with the see of Murcia, and in 1546 with the primatial dignity of Toledo, where he distinguished himself by forcibly introducing the rule that no cathedral preferment should ever be conferred on one who had the slightest trace of Jewish or Moorish blood. Under such guidance, in such environment, and with the example before him of his father as the champion of Catholicism, it was impossible for a youth of Philip's sickly frame, limitations of thought, sluggishness of intellect, habitual suspicion, and obstinate tenacity of purpose to be other than what he was.

When he succeeded to the great Spanish monarchy and found himself the most powerful sovereign in the civilized world, with authority stretching from the North Sea to the Mediterranean and from the farthest Atlantic to the Indian Ocean, he could scarce fail to regard himself as the instrument selected by Providence to defend the true religion and to overcome the powers of evil which had risen to supplant the Kingdom of God. He could not but feel that this enormous power had been intrusted to him for a purpose, and that it carried with it a correlative obligation to employ it for that purpose. To borrow the happy phrase of Major Hume, he felt himself to be the junior partner of God, and in carrying out with unswerving resolution the plans of God he was answerable to no human judgment.

If, in the performance of this supreme duty, he found or deemed it necessary to employ craft and cruelty, treachery and corruption, he was but combating the adversaries of God with their own weapons—weapons, indeed, which the statecraft of the age had rendered familiar to all, and which were sanctified by the cause to which they were devoted. The maxims which Machiavelli had formulated with such cynical clearness were utilized by others to gratify the lust of vulgar ambition; should he be debarred from using them when interests were at stake superior to all worldly possessions? Nor, indeed, is the present age entitled to cast the first stone at the sixteenth century, when we consider the duplicity and the contempt for human rights which have continued to mark the career of statesmen from that time to this, save perhaps in the matter of assassination, which has been abandoned to anarchism.

Apart from religious convictions, moreover, Philip as a statesman might well feel it to be his supreme allotted task to preserve in his own dominions the unity of faith which at the time was, reasonably enough, regarded as the absolute condition precedent of internal peace. Religious differences were not mere academic questions to be debated in the schools with more or less acrimony. We need not pause to ask against whom the responsibility for this is to be charged, and we may be content to accept the fact that in the passionate zeal of the time there was nothing which so deeply stirred popular feeling or lent more bitterness to civil broils than the theological

issues which to-day arouse an interest comparatively so faint. Philip might well look upon the internal wars of Germany and France as a warning to keep his own territories free from the pestilent innovators, whose claim to exercise freedom of conscience included the right of resistance to any authority that denied the claim. To him they were perturbators of the public peace, potential rebels who at all and every cost must be prevented from gaining a foothold if the prosperity of the state and the divine right of kings were to be maintained. In the earlier years of his reign the growing disquiet of the Netherlands emphasized the importance of this precaution and, in the latter part, the fierce struggle which exhausted his resources demonstrated the necessity of strangling heresy in the cradle.

Human motives, as a rule, are complex; pride and ambition doubtless had their share in those which urged him on his course, especially when he nourished vain hopes of establishing a daughter on the throne of France; but religious conviction and the welfare, temporal and eternal, as it was then regarded, of his subjects were ample to impel him along the course which he had inherited with his crown and for which he had been carefully trained. Philip at least was no hypocrite, using religion merely as a pretext. The sincerity of his faith can not be called into question, and, if his favorite vice was licentiousness, the dissociation of religion and morals is too common an anomaly to excite special incredulity. The keen-witted Venetian envoys concur in admitting his piety, although their experiences at his court were not such as to propitiate their favor, and they were by no means blind to his defects. Perhaps the severest characterization of him is that of Gianfrancesco Morosini in 1581: "His temper is cruel, although he covers it with zeal for justice. He was never known to pardon a criminal, even his own son. He shows no affection for his children and no sign of regret at the death of his nearest kin. He is a great observer of religion, but is very vindictive. Yet he manifests no signs of it, and there is a proverb in Spain that between the king's smile and a knife there is little to choose."

A portion of this unflattering characterization is justified by Philip's treatment of his erstwhile favorite, Antonio Pérez,

who had abused his master's confidence and had misled him into ordering the murder of Escobedo; but in other respects the habitual Spanish self-control, the studied repression of all exhibition of feeling under an exterior of kindly courtesy, deceived the Venetian, for Philip was in reality a most affectionate father. No one can read his familiar letters to his daughters, girls of fourteen and fifteen, written during the cares of his conquest of Portugal in 1581 and 1582, without recognizing a most unexpected side of his character, while his allusions to their letters to him show that the family intercourse was delightfully intimate and unreserved. His solicitude as to their welfare is extreme; he relates whatever is passing around him that he thinks will amuse or interest them; there is no sermonizing, but only the unaffected expression of a love that is sure of reciprocation. When he commences a long letter, June 26, 1581, by saying that he had been unable to write on the previous Monday, and now, in order to prevent a similar omission, he begins before taking up the business that will probably occupy him until late, we recognize that he did not allow the cares of state to choke up the fountains of mutual affection. Even more unlooked for are the references to Madalena, an old serving-woman who scolds him and threatens to leave him when he does not please her. On one occasion she had promised to write to the girls but had not shown herself; perhaps wine was the cause of this, but if she knew of his suggesting such a thing she would make him smart for it. Altogether this revelation of the *vie intime* of Philip and his family gives us a more human conception of the gloomy monarch whom we are accustomed to picture to ourselves as ensconsed in the Escorial, toiling through the midnight hours in scrawling notes on ever accumulating despatches and interminable consultas.

The unaffected tenderness of the relations between Philip and his daughters throws some light on the tragedy of Don Carlos, which has been used so effectually to blacken Philip's memory. Nothing but a sense of the most absolute necessity would have led him to deprive his son of the succession, which would have relieved him of the burden of royalty. Sickly and suffering, indolent by nature, and fond of country life, if he had had sons fit to govern, Sigismondo Cavalli tells us, in 1570, that he would have abandoned to them all affairs of state and have retired to the Escorial. Unfortunately,

Carlos, by his wayward excesses, had long forfeited the affection and confidence of his father when in 1568 he was confined. From his early years he had been an object of dread to all who looked forward to his future reign. At the age of 12 Federigo Badoero describes him as bright and quick, but fierce, passionate, and obstinate. When small animals, such as rabbits, were brought in from the chase he took delight in roasting them alive and watching their agonies. At a still earlier age, when he learned that the marriage treaty between his father and Mary of England provided that the Netherlands should descend to their issue, he declared that he would not submit to it, but would fight his future half-brother, and he wrote to Charles V, then in Brussels, and asked to have a suit of armor made for him. As he reached manhood the curse of insanity, which he inherited from his great-grandmother, Queen Juana la loca, developed into actions manifesting his dangerous unfitness for the throne. At the age of 22 he one day shut himself up in his stables for five hours, and when he came out he left twenty horses maimed with the most brutal cruelty. The slightest cause of displeasure provoked threats or attempts to poniard or to throw out of window, irrespective of the dignity of the offender. In one of his midnight sallies through the streets of Madrid a little water chanced to fall upon him, when he ordered the house from which it came to be burned and its occupants to be put to death, and his servants only evaded his commands by pretending that when they went there for the purpose they were prevented by finding that the holy sacrament was being carried in. When to these evidences of a disordered brain we add the unpardonable indiscretions manifested in the conduct of public business in which Philip was endeavoring to train him, we may imagine how the father might well shudder at the prospect of his vast monarchy, the bulwark of the Catholic faith, falling into such hands at a time when all constitutional barriers had been broken down and no check existed to curb the impulses of the sovereign. He might well fear also for his own life, for Carlos had avowed mortal hatred of him, and in a nature so violent and ungovernable that hatred might at any moment express itself in acts. Yet what to do with a successor to whom the estates of Castile had already sworn allegiance was a problem to tax to the utmost the wisdom of the King

and his advisers. Simply to declare him incapable of succession, to ask the Cortes to revoke their oaths, and to await the birth and maturity of some more promising heir would merely be to invite insubordination and civil war, with the prospect that Carlos, if left at liberty, would execute the design which was the immediate cause of his arrest—of flying from Spain and raising Italy or Flanders in open revolt. The only practicable solution seemed to be to treat him as Queen Juana had been treated—to place him in confinement, where in the course of six months despair led him to commit such excesses of alternate gluttony and abstinence that his fragile and enfeebled frame sank under them. The cold impassiveness with which Philip watched the extinction of a young life that had opened under such brilliant promise invites criticism, but what was passing under that exterior trained to repress all manifestations of emotion none may guess. Paternal affection, it is true, had been chilled by the strained relations which had long existed, but the complications in his plans caused by the catastrophe must have been the severest of trials, and he doubtless sought consolation in imagining himself to be repeating the sacrifice of Abraham. Prescott, it seems to me, shows a curious blindness to the situation when he asks the question, "Can those who reject the imputation of murder acquit that father of inexorable rigor toward his child in the measures which he employed or of the dreadful responsibility which attaches to the consequences of them?"

It has been no part of my purpose to attempt the rehabilitation of Philip. I have simply sought to represent him as an ordinary man fashioned by influences which one may hope will wholly pass away in the course of human progress, although the affaire Dreyfus and the massacre of Kitcheneff show how the fires of the persecuting spirit are still occasionally rekindled in their ashes. To judge of Philip in this manner is not to approve, tacitly or overtly, the influences which made him what he was—what, in fact, he could not help being. These influences we may condemn all the more heartily when we see that they made of a man, slow of intellect but obstinate in the performance of what he was taught to regard as his duty, the scourge of his fellow-creatures in place of being their benefactor. We can, moreover, enforce this lesson by the fact that this perverted sense of duty proved a curse not only to those on whom he trampled, but to his native land, which he

fondly imagined that he was guiding to the height of glory and prosperity. It had already been dangerously crippled by his father, whose striving for the universal monarchy was disguised by zeal for the faith. Philip's ardor in the extirpation of heresy not only wasted the millions which he drew from the mines of the New World, but exhausted Spain to a point that left for his successors a land of indescribable misery, of which the outward decadence but faintly reflected the internal wretchedness. Yet the principles which misled him survived him, and to the Spaniard of the seventeenth century Philip the Prudent remained the incarnate ideal of a Catholic prince.

It is not to be assumed that history loses, in the colorless treatment which I advocate, its claims as a teacher of the higher morality—if I may be allowed thus to designate some system of practical ethics superior to that in which we of to-day are grouping somewhat blindly. To depict a man like Philip as a monster of iniquity, delighting in human misery, may gratify prejudice and may lend superficial life and vigor to narrative, but it teaches in reality no lesson. To represent him truthfully as the inevitable product of a distorted ethical conception is to trace effects to causes and to point out the way to improvement. This is not only the scientific method applied to history, but it enobles the historian's labors by rendering them contributory to that progress which adds to the sum of human happiness and fits mankind for a higher standard of existence. The study of the past in this spirit may perhaps render us more impatient of the present, and yet more hopeful of the future.

As one of the last survivors of a past generation, whose career is rapidly nearing its end, in bidding you farewell I may perhaps be permitted to express the gratification with which, during nearly half a century, I have watched the development of historical work among us in the adoption of scientific methods. Year after year I have marked with growing pleasure the evidence of thorough and earnest research on the part of a constantly increasing circle of well-trained scholars who have no cause to shun comparison with those of the older hemisphere. In such hands the future of the American school of history is safe and we can look forward with assurance to the honored position which it will assume in the literature of the world.

III.—COMPROMISES OF THE CONSTITUTION.

By MAX FARRAND,
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COMPROMISES OF THE CONSTITUTION.

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When the question of adopting the Federal Constitution was being considered in the Pennsylvania State convention, James Wilson, who had taken an important part in the framing of that instrument, stated that the gentlemen of the opposition did not appear to appreciate, even in the most difficult part of the plan, the difficulties that had been experienced by the Federal Convention.[a] Inasmuch as the Constitution came forth as the practically unanimous product of the Federal Convention's labors, and the proceedings of that body were secret, it is not surprising that the men of that time should have failed to comprehend the difficulties that had been encountered. Since the publication of the records of the Convention, however, it is somewhat remarkable that those who have attempted to describe the framing of our Constitution should continue under similar, if not the same, misapprehensions of which Wilson complained in 1787. In nothing is this more clearly shown than in the treatment of the compromises that were such an essential feature of the Convention's work. Not only have some of the most important compromises been completely overlooked, but others have been greatly misrepresented, and in consequence the final outcome of the Convention's proceedings, as well as those proceedings themselves, have been sadly distorted.

The only explanation that appears plausible as to this misinterpretation of perfectly accessible facts is that the great source of our information as to what actually took place in the Federal Convention, the Madison Papers, first appeared in

[a] Elliot's Debates, first edition, 1827–1830, III, 297.

1840.[a] This was just the time when the slavery question was becoming the all-absorbing topic in our national life, and it was but natural that the men of that time should turn to the debates of the Convention to see what the framers of our Constitution had said and done upon the question that was then uppermost in the minds of all. It is possible that as "compromise" was the shibboleth between 1840 and 1860, men instinctively tended to support their position by the action of the "Fathers" in 1787. Under these conditions it is not surprising that the historical writers of that time, in treating of the formation of the Constitution, should overemphasize the slavery questions in the Convention. Take, for example, Richard Hildreth's History of the United States. The third volume, which covers the period of the Revolution and the Confederation, appeared in 1849. Of the chapter that is devoted to the "Formation of the Federal Constitution," one-third is taken up with the slavery debates, and of the "three great compromises" that he notices, two are slavery compromises. The second volume of G. T. Curtis's History of the Constitution was published in 1858. Although Curtis does not neglect, as Hildreth did, the other features of the Convention's work, and although he corrects Hildreth's misapprehension that the counting of three-fifths of the slaves was the essential feature of the compromise in which both representation and direct taxation were to be apportioned according to population, he distinctly exaggerates the importance of the slavery questions and he chooses the same three provisions as the "grand compromises of the Constitution."

Knowing how closely one writer is apt to follow the thought, if not the words of another writer, especially if the earlier work is regarded as authoritative, it may be readily understood why practically all subsequent writers have followed the lead of two such men as Hildreth and Curtis. George Bancroft, it is true, does not lay himself open to this charge, and in his History of the Constitution (1882) has produced the most detailed and unprejudiced study of our subject that has yet appeared. But even Bancroft failed to appreciate the

[a] The writer is at present engaged in an attempt to examine all the more important works dealing with the formation of the Constitution, in order to determine, if possible, the origin and development of current misconceptions. That examination is only partially completed, but it has been carried far enough to render extremely probable the explanation that is here given.

significance of the Federal Convention's action in at least two cases to which particular attention is to be given in this article—the admission of new States and the method of electing the President. That his general interpretation of the Convention's work is not more universally accepted is doubtless due to the difficulty of appreciating his point of view. Owing to the tediousness of his method and to his inability or unwillingness to summarize his conclusions, Bancroft's work is really difficult to comprehend. Consequently there are many who cite him as an authority, but apparently few who really follow him.[a]

Is it not time to break away from the traditions that have been handed down to us from the days of the slavery struggle? One of those, the so-called "three-fifths compromise," ought certainly to be relegated to the myths of the past. That five slaves should count as three freemen had been incorporated in the revenue amendment of 1783 and had been accepted by eleven States before the Federal Convention ever met. When the Randolph resolutions were being considered in the committee of the whole, this same rule, avowedly taken from the proposed amendment to the Articles of Confederation, was adopted by a vote of nine to two.[b] It was also embodied in the New Jersey plan. To regard this as a compromise is altogether a misinterpretation. It was aptly described by Rufus King in the Massachusetts state convention when he said that "this rule * * * was adopted, because it was the language of all America."[c]

The other slavery compromise, upon the slave-trade and

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[a] An interesting illustration of this is to be found in the use of the term "Connecticut compromise" for the agreement that was reached on the composition of the two houses of the legislature. Bancroft apparently adopted this designation because he believed, by a somewhat exaggerated interpretation of the part taken by them, that to the Connecticut delegates should be given the credit of getting this compromise adopted. Later writers have so generally accepted this appellation that its use has become almost universal, but the explanations as to why this compromise is so called are by no means harmonious. Perhaps Alexander Johnston's fanciful claim "that the birth of the Constitution was merely the grafting of the Connecticut system on the stock of the old Confederation," and his altogether unwarranted statement that the terms of the compromise were "commonly cited as 'the Connecticut proposal'" (Connecticut, 322–325) have been of service. At any rate, the more generally accepted explanation of designating this compromise the Connecticut Compromise is to the effect that its principles were borrowed from that state, where was to be found popular representation in one branch of the legislature and local representation in the other—an explanation for which there appears to be no basis either in the records of the Convention or in the writings of Bancroft.

[b] Gilpin, Papers of James Madison, 842–843.

[c] Elliot, first edition, I, 56.

navigation acts, was a genuine compromise.[a] It is quite misleading, however, to put it among the foremost questions of the Convention. The executive, judiciary, Western States, control of militia, and a dozen other subjects, all ranked above it in importance. It can not be too strongly emphasized that in 1787 the slavery question was not the important question, we might say it was not the moral question that it was in 1850. The South demanded concessions, but the North was ready to make them, especially if it could obtain some concessions in return.[b] To magnify these questions to the exclusion or to the belittling of other interests is a complete misreading of history.

It has been customary to regard as compromises only such decisions as were reached in the Convention after sharp separation of parties along certain accepted lines of division, the appointment of a committee to devise some means of accommodation, and the adoption of their report or some other conciliatory measure requiring both sides to make more or less of a concession. It would not seem, however, to be an undue extension of the term, if under compromises we include cases in which the divisions were so sharp and the opinions so fixed as to force such a modification of certain provisions as would leave the clauses in question acceptable to both sides without antagonizing either, although no committees had to be appointed to accomplish these results. For example, in that part of the plan of government which provided for the organization of a Federal judiciary, the provision that "Congress *may* * * * establish" inferior courts was phrased in this way to render it acceptable to those who favored the establishment of such courts, and to those who insisted that such tribunals would interfere with the rightful jurisdiction of the State courts.[c] Again, the provision that "all debts * * * shall be as valid against the United States as under the Confederation" was not modeled after the clause in the Articles of Confederation, as is so frequently stated; the wording is significantly different and was intended to reconcile the conflicting opinions of those who wanted the central Government to assume the

[a] It may not be amiss to reiterate here the position that is taken by the more careful writers upon this subject, that the prohibition of export taxes formed no part of this compromise. Cf. Gilpin, 1388, 1396–1397, 1415; Curtis, II, 296, note, 302–304; Bancroft, II, 152, 158.

[b] Compare Luther Martin's statement in "The Genuine Information laid before the Legislature of Maryland," in Yates, Secret Proceedings, 1821, 64.

[c] Gilpin, 798–800

State debts, and of those who were opposed to such assumption.[a] But the most important of such modified clauses was that which provided for the admission of new States.

In colonial times, as population increased, in many instances so largely through the immigration of foreigners, and as settlement extended into the back country, the conservative moneyed interests of the coast, jealous of their power and fearful for their property, insisted upon retaining the control of government in their own hands and refused to grant to the interior counties the share in government to which their numbers of population entitled them. This was seen in its most obvious form in the inequality of representation in the legislature. Notably was this the case in Pennsylvania, Virginia, and the Carolinas.[b] And this inequality was maintained in the State Governments that were formed after the outbreak of the Revolution. When the question of representation in the national legislature was before the Federal Convention, the same interests demanded similar restrictions. Pennsylvania's method of dealing with the frontier counties was cited with approval.[c] As it had worked well there for the older portions of the State to keep the power in their own hands, so now in the United States, it was insisted, new States ought not to be admitted on an equal footing with the old States.

Gouverneur Morris was the champion of the commercial and propertied interests, and when the compromise on representation was under discussion he declared in favor of considering property as well as the number of inhabitants in apportioning Representatives. In explanation of his position he stated that he had in mind the "range of new States which would soon be formed in the West," and "he thought the rule of representation ought to be so fixed as to secure to the Atlantic States a prevalence in the national councils."[d] A little later, on Morris's motion and evidently to phrase his views, a committee was appointed[e] and made a report[f] which was frankly declared to be intended to give to the Atlantic States

[a] Gilpin, 1356–1358, 1378–1379, 1402, 1424–1426. See statement by Bancroft, II, 145.

[b] See "Memorial of the Paxton Men," in Parkman's Conspiracy of Pontiac, Appendix E; Lincoln, Revolutionary Movement in Pennsylvania; Jefferson, Notes on Virginia; Bassett, Regulators of North Carolina," in A. H. A. Report, 1894; and Schaper, "Sectionalism and Representation in South Carolina," ibid., 1900.

[c] Gilpin, 1072.

[d] Ibid., 1033–1034.

[e] Ibid., 1036, 1039.

[f] Ibid., 1051–1052.

the power of "dealing out the right of representation in safe proportions to the Western States."[a] This portion of the report was at first adopted,[b] but was afterwards disregarded when the compromise was reached by which it was agreed to apportion both representation and taxation according to numbers of population.[c]

It is generally assumed that the question was thus finally disposed of. But Morris was not so easily defeated. The Committee of Detail to draft a constitution included in the article for the admission of new States a provision that such new States should "be admitted on the same terms with the original States."[d] Doubtless this provision was inserted because the committee so interpreted the action or sentiments of the Convention or believed it warranted by them. When the article came up in its turn for consideration Morris protested against this provision, and he made his objection on the same grounds as his previous opposition to representation in proportion to the numbers of population: "He did not wish to bind down the legislature to admit Western States on the terms here stated. * * * [He] did not mean to discourage the growth of the western country. * * * He did not wish, however, to throw the power into their hands."[e] Such men as Madison, Mason, and Sherman opposed him,[f] but Morris succeeded in getting the objectionable clause stricken out, and then without a dissenting voice the Convention agreed to his substitute: "New States may be admitted by the Legislature into the Union,"[g] or as it reads in the final draft, "New States may be admitted by the Congress into this Union."[h]

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[a] Gilpin, 1052–1053.

[b] Ibid., 1053.

[c] In the first stages of the discussion of the question of numbers of Representatives, the conflicting interests of East and West were more important than those of slave and free States. Our later writers apparently fail to appreciate this fact, although it is clearly brought out by Hildreth, Curtis, and Bancroft.

[d] Journal of the Convention, 1819, 228. Prof. William A. Dunning, Essays on Civil War and Reconstruction, 310, interprets this as referring only to the new States arising within the boundaries of any of the old States. From the wording alone the meaning is doubtful, but the debate in the Convention upon this clause does not support Professor Dunning's interpretation. (See Gilpin, 1456–1457.)

[e] Ibid., 1456–1457.

[f] Ibid., 1457.

[g] Ibid., 1457–1458. The writer is indebted to Prof. Frederick J. Turner, of the University of Wisconsin, for first calling his attention to the possible significance of the wording of this clause.

[h] Constitution, Article IV, Section 3.

This phraseology is apparently so artless that it might well obtain the unanimous support of the Convention, but in view of its origin and authorship it acquires great significance. How great this is one hardly realizes until he reads Morris's own interpretation of the clause. Sixteen years later, at the time of the Louisiana Purchase, in a letter to Henry W. Livingston,[a] he wrote:

> Your inquiry * * * is substantially whether the Congress can admit as a new State territory which did not belong to the United States when the Constitution was made. In my opinion they can not.
>
> I always thought that when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion. Candor obliges me to add my belief that had it been more pointedly expressed a strong opposition would have been made.[b]

Within the scope of this article it is not possible to discuss the whole "bundle of compromises" that make up the Constitution. If it were it would be interesting to trace the fortunes of the clause that vests in the House of Representatives the right of originating money bills; how it was originally an exclusive right; how, in this form, it was sufficient to turn the scale in favor of the first great compromise;[c] how it served again in the same way in determining the compromise on the method of electing the President,[d] and how, when its sphere of usefulness as a compromise-factor was ended it was ruthlessly shorn of its virtues by granting to the Senate an unrestricted privilege of amendment, and then was finally allowed a place in the Constitution. The control of the militia, the restrictions upon appointment to office of members of Con-

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[a] December 4, 1803, Sparks, Life of Gouverneur Morris, III, 192.

[b] Mr. Justice Campbell, in delivering his concurring opinion in the Dred Scott case (19 Howard, 507), cited this letter of Morris's, and it was also introduced in support of the Government's cause when the Insular Cases were argued recently before the Federal Supreme Court. It is interesting to note, however, that in the latter instance only so much of the letter was quoted as asserts the right to govern as provinces without voice in the Federal councils territory not originally belonging to the United States. That part of the letter which denies the right of admitting such territory into the Union was significantly omitted; Brief in the Insular Cases, Washington, 1901, 164.

Bancroft, History of the Constitution, sixth edition, II, 163, omits this particular letter, but cites others by the same hand in support of his surprising statement that Morris "gave his ancient fears to the winds," and proposed the clause in question "with the full understanding and intention that an ordinary act of legislation should be sufficient by a bare majority to introduce foreign territory as a state into the union."

[c] Gerry: "It was the corner stone of the accommodation;" Gilpin, 1098.

[d] Ibid., 1501, note.

gress, the powers of Congress, the restrictions upon the States, and the jurisdiction of the Federal courts are some of the subjects that would repay a more careful study than has been generally accorded to them. Partly to show the possibilities of such a study, but mainly because its inherent importance has been so generally disregarded and because of the failure to recognize that the final determination was as genuine a compromise as any that was reached in the Convention—of far greater importance than the so-called slavery compromises—the method of electing the Executive has been chosen to illustrate the current misinterpretations of the work and the difficulties of the Federal Convention.

When Wilson, as already cited, complained "how little the difficulties appear to have been noticed by the honorable gentlemen in opposition," he had particular reference to the method of electing the President, and he went on to explain that "the convention were perplexed with no part of this plan, so much as with the mode of choosing the President of the United States." A few weeks previous in the Federal Convention itself and toward the close of its sessions, when this question came up for its final determination, Wilson had expressed himself still more positively, saying: "This subject has greatly divided the House, and will also divide the people out of doors. It is in truth the most difficult of all on which we have had to decide."[a] Madison, in the Virginia State convention, also called attention to the fact "that the organization of the general government was in all its parts very difficult," and that "there was a peculiar difficulty in that of the Executive."[b]

So natural does it seem to us to have a single person as the Chief Executive of our Federal Republic, and so accustomed have we become to the attributes and powers of his office, that it is hard for us to project ourselves into the time before such an office existed and to sympathize with the apprehensions of those men as to the dangers that might lurk under the deceptive title of President. The necessity of a strong executive was clearly recognized, and the members of the Convention were determined that such should be established, but when their determination had been carried

[a] September 4, Ibid., 1491.

[b] Elliot, first edition, II, 389.

out, many stood aghast at the extensive powers that were vested in this officer. In spite of all the checks and limitations that were placed, there was color for the assertion that a monarchy, in fact if not in name, had been created. The opponents of the system recurred to this again and again, and its defenders found it difficult to refute the charge. When, in our own day, we find it hard to agree upon a satisfactory definition of monarchy that excludes the President of a Republic more powerful than many monarchs, it is not to be wondered at that, at the time of the formation of the Constitution, the supporters of the new order were at a loss to defend their contention that no monarchy had been established.[a] *The President was not a monarch*, but beyond that they could hardly go. In other words, when forced out of generalizations and held down to specific definitions, their best efforts resulted in explaining the presidency in negative terms of monarchy. As an illustration of this, take the note made by President Stiles of Baldwin's account of what had taken place in the Federal Convention:

> As to a President, it appeared to be the Opin. of Convention, that he sh[d] be a Character respectable by the Nations as well as by the foedera Empire. To this End that as much Power shd be given him as could be consistently with guard[g] against all possibility of his ascending in a Tract of years or Ages to Despotism and absolute Monarchy:—of which all were cautious. Nor did it appear that any members in Convention had the least Idea of insidiously lay[g] the Found[a] of a future Monarchy like the European or Asiatic Monarchies either antient or modern. But were unanimously guarded and firm against every Thing of this ultimate Tendency. Accordingly they meant to give considerable Weight as Supreme Executive, but fixt him dependent on the States at large, and at all times impeachable.[b]

If, then, we recognize the importance attached to the executive office in the minds of the members of the Convention—that, as Randolph said, the people would "behold * * * in the President the form at least of a little monarch"[c]—it is easy for us to understand that the method of choosing the incumbent of that office should have occasioned the greatest

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[a] Some said that the President was not a monarch because he was subject to impeachment, while others claimed that it was because he did not hold office for life or during good behavior.

[b] Literary Diary of Ezra Stiles, III, 294.

[c] Gilpin, 1313–1314.

difficulty in a body of such diverse interests and such divergent views, and would naturally occupy a great deal of its attention. On twenty-one different days this subject was brought up in the Convention. Over thirty distinct votes were taken upon different phases of the method of election.[a] Five times they voted in favor of appointment by the National Legislature, and once against it. Once they voted for a system of electors chosen by the State legislatures, and twice they voted against such a system. Three times they voted to reconsider the whole question. No wonder that Gerry should say, "We seem to be entirely at a loss."[b]

In the earlier stages of the discussion the question turned upon whether the Executive was to be, as Roger Sherman expressed it, "nothing more than an institution for carrying the will of the legislature into effect,"[c] or was to be independent of and really a check upon the legislative body. As the conception of the new government developed, however, and the Executive grew into an all-important feature, the conviction was established that the President must be independent of the legislature, and to accomplish this the favorite method seemed to be some form of an indirect popular election.[d] But if the people were to choose, the large States would have a decided advantage, and hence there arose on this question also the old division between the large and the small States. The result was a compromise.

In order to understand the compromise that was made, it must be clearly appreciated that in adopting the electoral system the Convention acted on the assumption that in the great majority of cases—"nineteen times in twenty," Mason claimed[e]—the vote of the electors would not be decisive—that is, a majority of votes would not fall upon the same candidate. There were not wanting, it is true, members of the Convention who asserted that this would not be the case, but after Mason insisted that "Those who think there is no danger of there not being a majority for the same person in the first

[a] This does not include questions of term or eligibility.

[b] Gilpin, 1192.

[c] Ibid, 763.

[d] See statement by Gouverneur Morris in explanation of the report of the grand committee on September 4, ibid., 1489–1490.

[e] Ibid., 1490. In the Virginia State Convention he was still more emphatic: "not once out of fifty;" Elliot, first edition, II, 363.

instance ought to give up the point to those who think otherwise,"[a] it was tacitly conceded.[b] With this understanding the terms of the compromise are perfectly clear. As the number of electors from each State was to equal the number of its Senators and Representatives, the large States, with their greater representation in Congress, would have a distinct advantage. To offset this, when no election resulted, as was assumed generally would be the case, from the highest five candidates a choice was to be made by that body which was equally representative of all the States, and in which it was conceded the small States would have an advantage, the Senate. In other words, and it was so explained again and again, under this system the large States would nominate the candidates, and the "eventual election" would be controlled by the small States.[c] Owing to the many objections that the giving of this, in addition to the extensive powers already vested in the Senate, would render that body too powerful, the eventual election was transferred from the Senate to the House of Representatives, but the principle was maintained by providing that each State should have but one vote.[d]

Although generally overlooked by those who have written on this subject, there can be no doubt that the final determination of the method of electing the President was a genuine compromise.[e] Gouverneur Morris,[f] King,[g] and Read[h] referred to it as such in the Federal Convention, and in the Virginia State convention Madison declared in so many words, "Here is a compromise," and he explained how the large States and the small States were affected by it.[i] Not only

[a] Gilpin, 1499.

[b] Several times and by decisive votes the Convention refused to allow a smaller number than a majority of the electors to determine the choice. It is quite possible that here, as in so many other questions before the Convention, the large States or national party accomplished their purpose under a veil of concession. It was not for them to dispute the improbability of an election's resulting in the first instance. If they had the advantage in the choosing of electors, it was certainly still more to their benefit if, contrary to expectations, the electors were able to determine the result.

[c] Compare statements by Madison, Sherman, King, and Gouverneur Morris in the Federal Convention (Gilpin, 1489, 1499, 1500, 1501, 1504, and 1506), and by Madison in the Virginia State convention (Elliot, first edition, II, 364).

[d] Gilpin, 1510–1511.

[e] Miss House, in her Study of the Twelfth Amendment, Philadelphia, 1901, 20, clearly recognizes the fact of a compromise, but she misses its essential elements.

[f] Gilpin, 1495.

[g] Ibid., 1501–1502. See also Madison's note of explanation on page 1501.

[h] Ibid., 1504.

[i] Elliot, first edition, II, 364.

was it a compromise, it was the most successful of all the compromises. The importance of the subject and the conflicting opinions in the Convention rendered extremely probable the fulfillment of Wilson's fears that it would greatly "divide the people out of doors," but in 1788 Hamilton could write, "The mode of appointment of the Chief Magistrate of the United States is almost the only part of the system of any consequence which has escaped without severe censure."[a]

While the study that is here presented is a slight and evidently but a partial consideration of a really large and important subject, the results that have been attained are not without value. Briefly they might be summarized as follows: The first and greatest compromise of the Constitution was that which determined the composition of the two Houses of Congress, the lower House to be representative of the people and the upper House of the States. In the second place, that five slaves should count as three freemen was not the important feature of the compromise by which both representation and direct taxation were to be apportioned among the States according to their respective numbers of population, which as a whole was only a subordinate part of the first compromise. Thirdly, one of the difficult, and perhaps the most difficult of all the questions that the Convention had to decide, the determination of which required a compromise second in importance only to the first compromise, was that of the method of electing the executive. In the next place, while its relative value must be a matter for individual judgment to determine, the compromise upon the slave-trade and navigation acts must be classed with a number of other matters of distinctly lesser importance. And finally, there are in the Constitution many clauses that one may not be inclined to regard as compromises of quite the same order as those that have just been considered, but they were worded sometimes ambiguously and always significantly, and when studied in this light they achieve an importance far beyond that which is usually accorded to them.[b]

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[a] The Federalist, No. 68.

[b] If the interpretation of the compromises that has been given is correct, it would seem to indicate that the whole treatment of the proceedings that resulted in the formation of our Federal Constitution must be revised. The Constitution, if such is the case, is a more direct result from the conditions during the period of the Confederation and a more unbroken development from the Articles of Confederation themselves than is generally supposed.

IV.—THE WORLD ASPECTS OF THE LOUISIANA PURCHASE.

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THE WORLD ASPECTS OF THE LOUISIANA PURCHASE.

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Argument by title is a very attractive form of fallacy. We therefore freely confess that it is rather a thesis we have to establish than a theme to unfold when we speak of the Louisiana purchase as a decisive epoch of general history and of American history in particular. Moreover, there is a sense in which every moment throughout the comparatively short duration of recorded history is a decisive one; in the pursuit of that idea the verge between sound, solemn truth, and fanciful fiction is but a razor edge.

Yet by common consent some men and some events are epochal. Carefully scrutinized, such men and such events are known by very definite qualities. There are times when the great central current has few lagoons, no backwater, and never an eddy. The whole substance of history is thrown into a single channel, affording a notable example of the unity of history and compelling its study by transverse sections rather than by longitudinal fibers. The man of such a period is fairly certain to be preeminently busy, so diligent, so comprehensive, so perspicacious as to be for the duration of his activity and ability an indispensable person, the man of his age. He is literally and etymologically a governor, for he steers the bark of state alike on the convexity of the swift and swollen tide, and in the hollowing current of a falling flood.

Such a decisive epoch was that of the eighteenth-century revolutions, a crisis reached after long, slow preparation, precipitated by social and religious bigotry, dizzy in its consummation, wild and headlong in its flight, precipitous in its crash. Of this important time the results have been so permanent that they are the commonplaces of contemporary history; in

what Carlyle called the revolutionary loom the warp and woof were spun from the past, and the fabric is that from which our working clothes are cut. Moreover, within those years appeared the great dominating soul of modern humanity, who displayed first and last every weakness and every sordid meanness of mankind, but in such giant dimensions that even his depravity inspires awe. His virtues were equally portentious because they worked on the grand scale, with materials that had been thrashed and winnowed in the theory and experience of five generations of mankind. It was well within this stupendous age and by the act of this representative man that Louisiana was redeemed from Spanish misrule and incorporated with the Territories of the United States. Nor was this all. A careful examination of the general political situation just a hundred years ago will exhibit the elemental and almost ultimate fact that the sale of Louisiana was coincident with the turn of the age. It is to this exhibit and to some reflections on its meaning that we address ourselves.

The substance of the treaty of Amiens was that Great Britain ostensibly abandoned all concern with the continent of Europe, and that France, ostensibly too, should strictly mind her own affairs in her colonies and the remoter quarters of the globe. George III removed from his escutcheon the fleur-de-lis, and from his ceremonial title the style of King of France. The whole negotiation was on both sides purely diplomatic, an exchange of public and hollow courtesies, to gain time for the realities of a struggle for supremacy between the world powers of the period, a struggle begun with modern history, renewed in 1688, and destined to last until the exhaustion of one of the contestants in 1815. Neither party to the treaty had the slightest intention of observing either its spirit or its letter. While the paper was in process of negotiation Bonaparte was consolidating French Empire on the Continent, and after its signature he did not pause for a single instant to show even a formal respect for his obligations. The reorganization of Holland in preparation for its incorporation into the French system, the annexation of Piedmont, and defiance to Russia in the matter of her Italian protégés, the act of moderation in Switzerland, and, finally, the contemptuous rearrangement of Germany, were successive steps which reduced England to despair for her continental

trade. To her it seemed as if there could be no question about two things: First, that the old order must be restored, in order to safeguard her commercial safety; and second, that her colonial policy must be more aggressive than ever.

A favorite charge of Napoleon's detractors is that he left France without a colonial empire. This was due to no absence of either aspirations or efforts. His earliest passion, his mature intention, his latest yearnings were for a French colonial empire. This was true, because there was not one item of the great political creed formulated by Richelieu to which he did not consider himself the heir; oriental aspirations, western ventures and explorations, the dominance of France in the tropic seas, around the globe, were articles of that creed. It had been therefore no slight blow to his personal ambition when he failed in Egypt. Turkey was still safe under the protection of Great Britain, and the highway to India was still in British hands. Almost without a moment's hesitancy, he turned his forces westward and formed the majestic design of a second New France around the Caribbean, the Gulf of Mexico, and eventually with a mighty wing toward South America. This adjunct became the chief corner stone of the policy when, after its initial failure, he had a chance to renew it in 1808 by Sassenay's mission to Argentina.

Simultaneously he had come to terms with Paul of Russia, and with him he negotiated a grandiose treaty providing for a great land expedition against Hindustan. Each power was to furnish 35,000 men and a corps of scholars; the march was to be a colonization of the wilderness, and the wealth of the East Indies was to be the reward. Paul died by violence just as his army was crossing the Volga on the ice in March, 1801, and Alexander, his more or less blood-guilty but philosophic heir, put a stop to further procedure. A curious chapter of England's resistance to the French Revolution is that for which Lord Wellesley furnished the subject-matter in his campaign against Tippoo Sahib, then in alliance with a mighty band of French adventurers, who, though royalists, were willing to stand and fight for French supremacy in India. To this long and gallant struggle the treaty of Amiens was an extinguisher, for it restored the five French cities to Bonaparte. Decaen, the noted and boasting Anglophobe, had demanded a mission to India on the very morrow of Hohenlinden; less

than a month after the signatures were affixed at Amiens he was dispatched to occupy the French towns of Pondicherry, now to be restored. But with an expedition of 1,600 men he had the monstrous disproportion of seven generals and a corresponding mass of minor officers. Clearly he was to reorganize the whole French force of India. Wellesley refused to execute the treaty, and Decaen was forced back on the French settlements of Réunion as a base from which to await developments. Hindu troops were drilled, reorganized, and found thoroughly trustworthy; a detachment of them had even been sent to Egypt, where they had some slight share in the retention of British control. It was Bonaparte's rôle to present a dauntless front to his foes, whatever his inner discouragement and hesitancy. Accordingly he dispatched the notorious Sebastiani as a so-called commercial agent to examine the situation in the Levant. The result was a report giving an exact account of all the English and Turkish forces beyond the Adriatic, and drawing the highly pertinent conclusion that 6,000 French soldiers could reconquer Egypt. When this stinging insult was published by the First Consul in the Moniteur, the British world was worried into open defiance.

From this rapid survey there emerge the important facts essential to our discussion. It was surely a turning point in the history of the civilized world, so far as Asia was concerned, when Bonaparte's oriental designs were permanently thwarted; when Russia was forced into an eastward expansion north of the great central mountain ridge of Asia to become a hyperborean power; when England defiantly claimed for the first time all Hindustan as her own. It wrote "finis" to the chapter of France's glory in India, and, indeed, to the story of her Asiatic aspirations; her far-eastern colonies seized under the present Republic are comparatively insignificant factories, which she holds on the sufferance of the European concert, and for which she would not defy the world a single moment, as she would defy it to the spilling of her heart's blood should her present African empire be menaced.

Again, the situation was a turning point of the first importance in Africa. In consequence of the desire of both contracting parties to catch their breath, Egypt was restored to Turkey, and the Cape Colony was to be a free port—a no-man's-land; Malta, which is an African isle, was to be returned

to the Knight's of St. John. The theory was that not one Christian power, continental or insular, was to hold a coign of vantage as regards the dark continent. Russia, to be sure, was jealous for Malta; England and France, for Egypt and the Cape; they might remain so, but that was all. Of course we are familiar with the late partitions of Africa among the powers, the coast and hinterland arrangements which bid fair to become permanent occupations. Had it not been for the compulsory suspension of Bonaparte's oriental plans, the retention by England both of India and of the Indian highway through the Mediterranean, and the confirmation of this situation by the evolution of affairs across the Atlantic, which culminated in the sale of Louisiana to us, the fate of Africa, humanly speaking, would, like that of Asia, have been far different in every single respect.

What was written for Europe in the book of fate was soon revealed. No one could prate more serenely about destiny than General Bonaparte, nor scrutinize more quizzically the sibylline leaves. But like the augurs of old, he could scarcely retain his mirth when he announced the oracle, nor keep his body from shaking with laughter while the feigned fury of passion was distorting the features of his face in frenzied anger. The treaty of Amiens was negotiated subject to guaranties from the other powers, and Addington well knew that Russia was going to fish in the troubled waters of neutrality for the leviathan of her disappearing prosperity. So the English refused to evacuate Malta. The Whitworth scene is one of Napoleon Bonaparte's finest dramatic rôles, and the delivery of his line, "I would rather see England in the Faubourg St. Antoine than in Malta," a climax of theatrical statesmanship. It is by no means sure that he might not have seen the British sail away both from Alexandria and Valetta; that he might not have received in delivery the cities of Pondicherry; that he might not have confirmed his American empire, had he been willing to grant Great Britain a commercial treaty that would have turned her stores of manufactured goods into hard cash, have relieved the awful financial strain under which she was tortured, and have given her the full advantage of her long precedence in the industrial revolution. But no. By the treaty of Morfontaine, September 30, 1800, with the United States, he arranged to strip us of all

Mississippi trade and thus tardily execute the policy of our isolation on this continent, which Vergennes had vainly sought to embody in the public law of Europe. Soon he began to close the ports of France and her allies more firmly than ever to British goods, hoping under the protective system to give France a chance in the race for industrial supremacy. The English were aghast, and in their grim determination to renew what they felt was a struggle for life and death they broke off diplomatic relations, and war began. This outcome was inevitable, but it was too soon for Bonaparte. His versatility was sorely strained to settle finally on his policy.

It was Samuel Adams who first sneered at his fatherland as a people of shopkeepers. The winged word soon became a commonplace to all outsiders, but as it flew every nation that used the gibe girded itself to enter the struggle for the same goal. France above all was determined to be a nation of shopkeepers, and the First Consul of what was still a shaky experiment in government knew well that rather than abandon that ambition he must sacrifice every other. After all, a colonial empire has value only as the home nation has accessible ports, manufactories for colonial products, and wares to exchange with the producers. France had neither factories nor manufactures, and was destitute of nearly the whole machinery of exchange. Her merchant vessels sailed only by grace of the British fleet. Her home market was dependent on British traders, even in times of war. Bonaparte's foremost thought, therefore, was for concentration of energy. The sea power of the world was Britain's, and her tyranny of the seas without a real check; even the United States could only spit out defiant and revengeful threats when her merchantmen were treated with contempt on the high seas by British men-of-war. Therefore with swift and comprehensive grasp he framed and announced a new policy. The French envoy in London was informed that France was now forced to the conquest of Europe—this of course for the stimulating of French industries—and to the restoration of her occidental empire. This was most adroit. The embers of French patriotism could be fanned into a white heat by these well worn but never exhausted expedients—a blast against perfidious Albion and a sentimental passion for the New France beyond the Atlantic. The motions were a feint against England by

the formation of a second camp at Boulogne, where a force really destined for Austria was assembled, and the wresting of Louisiana from the weak Spanish hands which held it. As an incident of the agitation it seemed best that the French democracy should have an imperial rather than a republican title, and the style of emperor and empire was exhumed from the garbage heap of the Terror for use in the pageantry of a court.

In Europe thus, as in the neighboring continents, the rearrangement of politics, territorial boundaries, social, economic, and diplomatic relations, a change which has made possible the modern system, was really dependent on the events which led to the adoption of the policy just described. But this policy involved a reversal of every sound historical principle in Bonaparte's plans. For twelve years longer he was to commit blunder upon blunder; to trample on national pride; to elevate a false system of political economy into a fetish; to conduct, as in the Moscow campaign, great migrations to the eastward in defiance of nature's laws; to launch his plain, not to say vulgar and weak, family on an enterprise of monarchical alliances for which they had no capacity; to undo, in short, as far as in him lay, every beneficent and well conceived piece of statesmanship with which he had so far been concerned. It has been well said that had he died in midsummer, 1802, his glory would have been immaculate and there would have been no spots on his sun. The Napoleonic work in Europe was destined to have its far-reaching and permanent results, but the man was ere long almost entirely eliminated from control over them. The very last of his great constructions was the sale of Louisiana. He needed the purchase money, he selected his purchaser and forced it on him, with a view to upbuilding a giant rival to the gigantic power of Great Britain.

When we turn, therefore, to America we shall at once observe on how slender a thread a great event may depend; how great a fire may be kindled by a spark adroitly placed. While yet other matters were hanging in the balance he selected his own brother-in-law, General Leclerc, such was his deep concern, to conduct an expedition to the West Indies. There were embarked 35,000 men, and these the very flower of the republican armies, superb fighters, but a possible thorn

in the side of a budding emperor at home. Their goal was San Domingo, where a wonderful negro, Toussaint L'Ouverture, noting the attractive example of the benevolent despots in Europe, had, under republican forms, not only abolished slavery, but had made himself a beneficent dictator. The fine but delicate structure of his negro state was easily crushed to the earth, but the fighting was fierce and prolonged, the climate and the pest were enabled to inaugurate and complete a work of slaughter more baleful than that of war, and two-thirds of the French invaders, including the commander and 15 of his generals, fell victims to the yellow fever. The French were utterly routed, the sorry remnants sailed away, and the blacks fell into the hands of the worthless tyrant Dessalines, whose misrule killed the germs of order planted by Toussaint. One of our historians thinks this check of France by black soldiers to have been a determinative factor in American history, for thereafter there could be no question of a Gulf and Caribbean empire for France. Louisiana, he indicates, became at once a superfluous dependency, costly and annoying. This is a far-fetched contention: Great as have been the services of the negro to the United States since he first fought on the battlefield of Monmouth under Washington, the failure of France in San Domingo was not through the sword of the blacks, but was an act of God through pestilence.

The circumstances that forced Louisiana upon the United States, then a petty power with revenues and expenditures far smaller than those of the Philppine Islands at this moment, arose from Napoleon's European necessities. The cession from Spain included all that Spain had received from France, the whole Gulf coast from St. Marys to the Rio Grande, and the French pretensions not only northwestward to the Rockies but to the Pacific. The return made to Spain was the insignificant kingdom of Etruria and a solemn pledge that, should the First Consul fail in his promise, Louisiana in its fullest extent was to be restored to Spain. France therefore might not otherwise alienate it to any power whatever. The exacting and suspicious spirit shown both by Charles IV and his contemptible minister Godoy, Prince of the Peace, had exasperated Bonaparte beyond endurance. The Spanish Bourbons were doomed by him to the fate of their kinsfolk in France;

a pledge to a vanishing phantom of royalty was of small account. It was during the delay created by the punctilio of Godoy that the failure of the San Domingo expedition extinguished all hope of making Louisiana the sole entrepôt and staple of supplies for the West Indies. And simultaneously it grew evident that the truce negotiated at Amiens as a treaty could not last much longer; that either France must endure the humiliation of seeing her profits therefrom utterly withheld, or herself declare war, or goad Great Britain into a renewal of hostilities. This last, as is well known, was the alternative chosen by Napoleon.

Our Government had been in despair. The establishment of French empire in the West Indies would have destroyed our lucrative trade with the islands. It was trying enough that a feeble power like Spain should command the outlet of the Mississippi basin, but intolerable that such mastery of the continent should fall into the hands of a strong and magisterial power like France. We were in dismay, even after the departure of the French from San Domingo. Bonaparte, however, was scarcely less disturbed, for Jefferson, despite his avowed Gallicism, spiritedly declared both to the First Consul and to Livingston, our minister to Paris, that the occupation of Louisiana by the great French force organized to that end could only result in an alliance of the two English-speaking nations which would utterly banish the French flag from the high seas. Bonaparte preserved an outward calm for those about him and went his way apparently unperturbed. But inwardly his mind seethed and without long delay he took his choice between the courses open to him. It was the first exhibition to himself and his family of the imperial despot soon to be known as Napoleon I, Emperor of the French. If Britain was the tyrant of the seas, he would be despot of the land. To French empire he would reduce Germany, Italy, and Spain in subjection, and with all the maritime resources of the continent at his back he would first shut every important port to English commerce, and then with allied and dependent fleets at his disposal, try conclusions with the British behemoth for liberty of the seas and a new colonial empire. By the second camp at Boulogne and the occupation of Hanover Napoleon threw England into panic, while simultaneously he began the creation of his grand imperial army and thereby

menaced Austria, the greatest German power, in her coalition with Russia, Sweden, Naples, and Great Britain. The latter, he was well aware, could face a hostile demonstration on her front with courage if not with equanimity, and he determined to add a double stroke—to gain a harvest of gold and on her rear to strengthen her exasperated trans-Atlantic sea rival by selling Louisiana to the United States.

That determination was the turning point in his career, just as the sudden wheel and about face of the splendid force at Boulogne, when he hurled it across Europe at Vienna, displayed at last the turning point in his policy. His brother Lucien had been an influential negotiator with Spain and plumed himself on the acquisition of the great domain which had been for long the brightest jewel in the crown of France. His brother Joseph had negotiated the treaty of Amiens as a step preparatory to regaining a magnificent colonial empire for his country, an empire of which an old and splendid French possession was to be the corner stone. Both were stunned and then exasperated when they learned their brother's resolution, sensations which were intensified to fury when they heard him announce that he would work his will in spite of all constitutional checks and balances. There is no historic scene more grotesque than that depicted by Lucien in his memoirs when he and Joseph undertook to oppose Napoleon. The latter was luxuriating in his morning bath, on April 7, 1803, in the Tuileries, when the brothers were admitted. After a long and intimate talk on general politics the fateful subject was finally broached by Napoleon, as he turned from side to side and wallowed in the perfumed water. Neither of the brothers could control his feelings, and the controversy grew hot and furious from minute to minute until Joseph, leaning over the tub, roared threats of opposition and words of denunciation. Brother Napoleon, lifting himself half way to the top, suddenly fell back and clinched his arguments by splashing a full flood in the face and over the body of Joseph, drenching him to the skin. A valet was summoned. He entered, and paralyzed by the fury of the scene, fell in a dead faint. New aid was called, and the fires of passion being slaked for the time, the conflict ended until Napoleon and Joseph were decently clothed, when it was renewed in the office of the secretary Bourrienne. Ere long hot words were again spoken, violent language was succeeded by violent gestures, until at

last Napoleon in a theatrical rage dashed his snuffbox on the floor and the contestants separated. Disjointed and fierce as was the stormy argument, it revealed the whole of the imperial policy as we have stated it.

Meanwhile events in America, if not so picturesque and majestic, were equally tempestuous. The peace policy of Jefferson was rapidly going to pieces in the face of a westward menace, the Federalists were jubilant, and in the Senate James Ross, of Pennsylvania, called for war. When the intendant of Spain at New Orleans denied Americans the storage rights they had enjoyed in that city since 1795, the French politics of the President fell into general disrepute and contempt, for men reasoned a fortiori, if such things be done in the green tree, what shall be done in the dry? It mattered not that Spain's highest official, the governor, disavowed the act, the fire was in the stubble. The intendant was stubborn and the fighting temper waxed hot. Both the governor and the Spanish envoy at Washington disavowed the act again and rebuked the subordinate. Congress was soothed, but not so the people of the West and South. They were fully aware, as have been all our frontiersmen and pioneers from the beginning, that the Mississippi and all the lands it waters are the organic structure of unity and successful settlement on this continent. The Pacific and Atlantic coast strips, even the great but bleak valley of the St. Lawrence, are incidents of territorial unity and political control compared with the great alluvion of the Mississippi. This was unknown, utterly unknown, and, worse yet, entirely indifferent to our statesmen. Madison certainly, and possibly Jefferson, believed that western immigration would pause and end on the east bank of the Father of Waters.

Yet party government was a necessity under our system, and Jefferson's ladder, the Republican party, would be knocked into its component parts should the West and South, noisy, exacting, and turbulent, desert and go over to the expiring faction of the Federalists; nay, worse, it might be forced into almost complete negation of its own existence by a forced adoption of the Federalist policy, alliance with Great Britain—monarchic and aristocratic—rather than with radical and democratic France. What could a distracted partisan do? Jefferson was adroit and inventive. He sent James Monroe to

negotiate with Bonaparte for the purchase of New Orleans and both Floridas at the price of two millions, or upward to ten, for all or part, whatever he could get; he was not even to disdain the deposit or storage right, if nothing else could be had, and if he could get nothing, he was to await instructions. With such credentials he sailed on March 8, 1803. A peace lover must sometimes speak low and small, even as cowards sometimes do. Three weeks later appeared in New Orleans Laussat, the advance agent of French occupation: Victor and his troops were to follow. It is not possible to conceive that a foreign policy should be more perplexing, confused, or uncertain than that of the philosophic theorist who is the hero of the strict constructionist party in these United States.

Robert R. Livingston, the regular American envoy at Paris, had, under his instructions from home, worked with skill and zeal on the spoliation claims and incidentally on the question of the Mississippi and the Floridas. While the colonization schemes of Bonaparte seemed feasible, Livingston made no headway whatever, except to extort an admission that the spoliation claims were just. Neither Talleyrand nor Livingston was much concerned about the great Northwest. The American was clear that the importance of any control lay in the possession of New Orleans, and on April 11, 1803, he said so to the French minister, vigorously and squarely declaring further that a persistent refusal of our request would unite us with Great Britain to the serious discomfiture of France in her colonial aspirations. This was said with some asperity, for Livingston had been aware that the First Consul wanted all negotiation transferred to Washington under the guidance of a special envoy sent for the purpose, the willful Bernadotte, and now worse yet, he himself was to be superseded by Monroe. He had been a diligent and even importunate negotiator; it was a ray of comfort in later days to recall that the first suggestion for the sale of all Louisiana was made to him in that momentous interview.

What had occurred Livingston could not know. It was this: On the morning of that very day there reached the Tuilleries dispatches giving in full detail an account of the tremendous preparations making in England for the renewal of war both by land and sea. Bonaparte's impatience knew

no bounds. Hitherto he had concealed his true policy of sale behind a scheme to spend the purchase money on internal improvements in France, and he had on his work table map outlines for five great canals. Now, at daybreak he summoned Barbé-Marbois, sometime French consul-general in the United States, an official of state with a thorough knowledge of our affairs, and ordered that a negotiation for the sale, not of the Floridas and New Orleans, but of all Louisiana, should immediately be opened with Livingston. He fixed the price at 50,000,000 francs. The envoy could of course do nothing, but he thought 30,000,000 enough. Next day Monroe arrived at Havre, and reaching Paris April 13, that very same day Barbé-Marbois and our two great statesmen began to treat. Upon Monroe and Livingston devolved a momentous responsibility. Monroe was by a most indefinite implication left a certain liberty, for under no circumstances whatsoever was he to end a negotiation if once it was begun. And here, instead of minimizing terms, was, so to speak, a great universe of land tender. But we had not so easily thrown off the bright and glistening garment of righteousness as had Napoleon Bonaparte, and in the minds of both Americans was the question, nonexistent for the First Consul, as he himself squarely said, of whether the inhabitants of the district, men and women, human souls, could be dealt in as chattels are.

Livingston had already seen darkly as in a glass what the west might make of the United States. Bonaparte's contributions to the discussion were terse and trenchant. If he did not transfer the title right speedily, a British fleet would take possession almost in a twinkling. The transfer, he said, might in three centuries make America the rival of Europe; why not?—it was a long way ahead—but, on the other hand, there never had been an enduring confederation, and this one in America was unlikely to begin the series; finally, he wanted the cash as the United States wanted the land. Let there be no delay. And there was none. The terms of the sale and the facts of the transfer do not concern us here. In Bonaparte we had no friend; but what the ancient régime began in establishing an American independence the First Consul completed; for, thanks to him, we fought the war of 1812 for commercial liberty, while the exploitation of Louisiana has

made us what we are to-day. The instant we accepted that great territory, with all its responsibilities and possibilities, we became a world power. We were puny enough as a world power at first, but we have grown. Jefferson and his agents were primarily statesmen for the purpose of existing conditions, and in Monroe's mission desired a remedy solely and entirely for party evils. They had, however, the courage to accept the fortune forced upon them, even though in their case, as in that of Bonaparte, it entailed, we repeat, a complete reversal of all the political and party principles of the platform on which they had hitherto stood.

The change wrought by the Louisiana purchase in American life and culture was simply revolutionary. Hitherto in our weakness we had faced backward, varying between two ideas of European alliance. We virtually had British and French parties. Jefferson, who represented the latter, thought of no other alternative in his trouble than to strike hands with England. With Louisiana on our hands we turned our faces to our own front door. The Louisiana we bought had no Pacific outlet in reality, but the Lewis and Clark expedition gave it one, and that we have broadened by war and purchase until we control the western shore of the continent. Under such engrossing cares we ceased to think of either French or British ties, except as exasperating, and became not merely Americans, but, realizing Washington's aspirations, turned into real continentals, with a scorn of all entanglements whatever. In the occupation and settlement of Louisiana the slavery question became acute, and it was the struggle for the expansion of that system over Louisiana soil which precipitated the civil war.

But if the change in national outlook was radical, that in constitutional attitude was even more so. The constitutions of our original States were the expression of political habits in a community, the Federal Constitution was in the main a transcript of those elements which were common in some degree to all the British colonies. It was an age of written constitutions, because the flux of institutions was so rapid that men needed a mooring for the substantial gains they had made. The past was so recent that statesmen were timid, and they wanted their metes and bounds to be fixed by a monument. Nothing was more natural than to pause and fall back on the record thus made permanent, and strict construc-

tion was and long continued to be a political fetish. The Louisiana purchase was a circumstance of the first importance in party struggle. Yet neither Federalist nor Republican dared, after mature deliberation, to urge the question of constitutional amendment as essential to meet the crisis thus precipitated. The enormous price entailed what was felt to be an intolerable burden of taxation, and in the uproar of spoken and printed debate played no small part. But the vital question was whether the adjustment of new relations was constitutional.

Never did the kaleidoscope of politics display a more surprising reversal of effect. The loose-construction party lost its wits entirely, while the strict constructionists suddenly became the apostles not of verbal but of logical construction. Jefferson violated his principles in signing the treaty, but he was easily persuaded that amendment was not necessary; that on the contrary the treaty-making power covered the case completely. This was not conquest, which would have been covered by the war power, but purchase, which is covered by the treaty power, surrendered, like the other, by the States to the Federal Government. The Federalists were represented in the House by Gaylord Griswold; in the Senate by Ross and Pickering. Their resistance was identical in both, factious to the highest degree. They contended that the Executive had usurped the powers of Congress by regulating commerce with foreign powers and by incorporating foreign soil and foreign people with the United States, this last being a power which it was doubtful whether Congress possessed. Supposing, however, that New Orleans became American, how could a treaty be valid which gave preferential treatment to that single port in admitting French and Spanish ships on equal terms with those owned by Americans? The treaty, they asseverated, was therefore unconstitutional and, even worse, impolitic, because we were unfitted and did not desire to incorporate into our delicately-balanced system peoples different in speech, faith, and customs from ourselves. They were, however, only mildly opposed to expansion; they were determined and captious in the interpretation of the Constitution. The party in power were avowedly expansionist; their retort was equally dialectic and vapid. The whole discussion would have been empty except for Pickering's contention that there existed no power to incorporate foreign territory into the

United States, as was stipulated by the treaty. The House had resolved, 90 to 25, to provide the money and had appointed a committee on provisional government. The Senate ratified the treaty, 26 to 5.

What made the debates and action of Congress epochal was the Federalist contention that Thomas Jefferson, as provisional and interim governor, was nothing more or less than an American despot in succession to a Spanish tyrant. Where was the Constitution now; where would it be when in appointing the necessary officials—executive, judicial, and legislative—he would usurp not merely Spanish despotism, but the powers of both the other branches of the Federal Government? The Republicans quibbled, too; to appoint these three classes of officials was not to exercise their powers. But they confirmed in unanswerable logic a distinction thus far only mooted in our political history—that between States and Territories. Already presidential appointees were exercising all three powers in Mississippi and Indiana. This clenched the contentions of the Republicans, and the bill for provisional government passed by an overwhelming vote on October 31. Both parties throughout the struggle had tacitly abandoned the position that Congress possessed merely delegated powers and nothing further except the ability to carry them into effect. Both therefore admitted the possible interpretation of the Constitution under stress of necessity, and the Federalists in their quibbling contentions lost hold everywhere except in New England. That section saw its influence eclipsed by the preponderance of southern and western power and ere long was ripe for secession.

Volumes have been written and more will be on the romance of the Louisiana purchase. Josiah Quincy threatened the dismemberment of the Union when the present State of Louisiana was admitted in 1812; but for Jefferson's wisdom in exploration it might have remained a wilderness long after settlement began; Great Britain coveted it in 1815 when Jackson saved it; Aaron Burr probably coveted an empire within it; Napoleon III had dreams of its return to the new France he was to found in Mexico. Excluding the Floridas, which Spain would not concede as a part of it, and the Oregon country, the territory thus acquired was greater than that of Great Britain, Germany, France, Spain, Portugal, and Italy

combined. Its agricultural and mineral resources were, humanly speaking, inexhaustible. No wonder it excited the cupidity as it stirred the imagination of mankind; no wonder if men avid to retain their power were dismayed at the preponderance it was sure to exert eventually in a federal union of States. At the present moment fourteen of our Commonwealths, with a population of about sixteen millions and a taxable wealth of seven billions, occupy its soil. By the time we are fifty years older, at the present rate of settlement, these will contain about a third of the power in the Union as determined by numbers and prosperity. All of them, however, were never more than administrative districts, and by the retroactive influence of this fact State sovereignty has thus been made an empty phrase.

And this leads us to our final contention. If the Louisiana purchase revolutionized our national outlook, our constitutional attitude, and our sectional control, it has quite as radically changed our national texture. From that hour to this we have called to the masses of Europe for help to develop the wilderness, and they have come by millions, until now the men and women of Revolutionary stock probably number less than fifteen millions in the entire country. These later Americans have, like the migrations of the Norsemen in central and southern Europe, proved so conservative in their Americanism that they outrun their predecessors in loyalty to its essentials. They made the Union as it now is, in a very high sense, and there is no question that in the throes of civil war it was their blood which flowed at least as freely as ours in defense of it. It is they who have kept us from developing on colonial lines and have made us a nation separate and apart. This it is which has prevented the powerful influence of Great Britain from inundating us, while simultaneously two English-speaking peoples have reacted one upon the other in their radical differences to keep aflame the zeal for exploration, beneficent occupation, and general exploitation of the globe in the interests of a high civilization. The localities of the Union have been stimulated into such activities that manufactures and agriculture have run a mighty race; commerce alone lags, and no wonder, for Louisiana gave us a land world of our own, a home market more valuable than both the Indies or the continental mass of the East.

V.—THE STORY OF LEWIS AND CLARK'S JOURNALS.

By REUBEN GOLD THWAITES, LL. D.,

Secretary and Superintendent of Wisconsin Historical Society.

THE STORY OF LEWIS AND CLARK'S JOURNALS.

By Reuben Gold Thwaites, LL. D.

The story of the records of the transcontinental exploration of Meriwether Lewis and William Clark (1803–1806) is almost as romantic as that of the great discovery itself.

In his detailed instructions to Lewis, dated June 20, 1803[a], President Jefferson displayed particular concern for the journals of the proposed expedition to the Pacific, which, with all possible scientific data, were to be prepared "with great pains & accuracy, to be entered distinctly & intelligibly for others as well as yourself." The notes of the two captains were to be guarded against loss by making copies of them—"one of these copies [to] be written on the paper of the birch, as less liable to injury from damp than common paper."[b] Not only were Lewis and Clark to keep such journals, but their men were encouraged to do likewise.

The two leaders faithfully performed their duty in this regard, and the four sergeants—Charles Floyd, Patrick Gass, John Ordway, and Nathaniel Pryor—also wrote journals. Tradition has it that at least three of the twenty-three privates were, as well, diarists upon the expedition, but the only private's notebook now known to us is that of Joseph Whitehouse.[c]

It was the daily custom of the captains to make rough notes, with rude outline maps, plans, and miscellaneous sketches, in field books which they doubtless carried in their pockets. When encamped for a protracted period, these were

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[a] State Department (Washington, D. C.), Bureau of Rolls, Jefferson Papers, series 1, vol. 9, doc 269.

[b] This suggestion was not adopted in practice.

[c] In the camp orders issued by Lewis and Clark, May 26, 1804, occurs this sentence: "The serg^ts. in addition to those [other] duties are directed to keep a seperate journal from day to day of all pafsing occurrences, and such other observat^ons on the country &c., as shall appear to them worthy of notice."

developed into more formal records. In this development each often borrowed freely from the other's notes—Lewis, the better scholar of the two, generally rewriting in his own manner the material obtained from Clark; but the latter not infrequently copied Lewis practically verbatim, but with his own phonetic spelling.

Upon reaching St. Louis, on the return (September 23, 1806), these individual journals were for the most part transcribed by their authors into neat blank books—bound in red morocco, and gilt-edged—with the thought of preparing them for early publication. After this process, the original field books must have been cast aside and in large measure destroyed; for but one of these[a] is now known to exist—a bulky duodecimo, containing about 20,000 words, wrapped in an irregular piece of soft elkskin, rudely stitched to the back. There have come down to us, however, several notebooks which apparently were written up in the camps.

Altogether, these journals of the captains cover each and every day the expedition was out; largely a double record, although occasionally there are periods when we have the journal of but one of them.[b] The manuscripts well exemplify the habits and characteristics of the two men—Clark, the more experienced frontiersman of the two, expressing himself sententiously with Doric simplicity and vigor of phrase, and often amusingly eccentric orthography; Lewis, in more correct diction, inclined to expatiate on details, especially with regard to Indians and natural history, and frequently revealing a poetic temperament and a considerable fund of humor.

In February, 1806, when the expedition was upon the Pacific coast, President Jefferson sent to Congress a message,

[a] By Clark, dated September 13–December 31, 1805, and described *post*.

[b] We have much more of Clark in these journals, than of Lewis. The lacunæ in the Lewis manuscripts, as compared with the dates covered by Clark, are as follows:

1804—May 14, 16–19, 21–September 15; September 18–December 31=228 days.

1805—January 1–February 2; February 14–April 6; August 27–September 8; September 11–17, 23–November 28; December 1–31=168 days.

1806—August 13–September 26=45 days. But during much of this period Lewis was disabled from a wound, and therefore unable to write.

The only gap in the Clark journals is the brief period from February 3 to 12 (inclusive), 1805=10 days.

Whether the missing Lewis entries (441 days, as compared with Clark; but we may eliminate 41 for the period when he was disabled, thus leaving 400) are still in existence or not, is unknown to the present writer. There appears to be no doubt that he regularly kept his diary. It is possible that the missing notes, in whole or in part, were with him when he met his death in Tennessee, and were either accidentally or purposely destroyed by others.

inclosing, among other matters, a letter from Lewis dated at Fort Mandan (near the present Bismarck, N. Dak.) in the previous April, just as the explorers were leaving for the upper country. At that point the party had passed their first winter. The communication, describing the experiences of the expedition as far as Fort Mandan, was accompanied by brief reports of explorations on the Red and Washita rivers by Doctor Sibley, Doctor Hunter, and William C. Dunbar, together with statistics of the Western tribes and other data of the kind: the ill-assorted whole being promptly published as a public document.[a] Based upon this fragmentary publication, there soon sprung up, both in England and America, a long list of popular compilations, telling the story of the Lewis and Clark expedition during its first year, expanded with miscellaneous information about the Western Indians, picked up here and there—some of it singularly inaccurate.

A year later (early in 1807), only a few months after the return of the party, there was published at Philadelphia the first detailed report of the entire tour—being the journal of Sergt. Patrick Gass, an observant man, whose rough but generally accurate notes had been carefully written up by an Irish schoolmaster, named David McKeehan, of Wellsburg, W. Va. This little volume of about 83,000 words,[b] with its curiously crude illustrations, was reprinted in London in 1808, while new American editions appeared at Philadelphia in 1810, 1811, and 1812, and a French translation at Paris in 1810. It is now, in any form, a rare book.

It had been the intention of Lewis and Clark to publish their own journals; they had presented no official detailed report to the Government, it being left with them by Jefferson, as we shall see, to make such literary use of their material as they saw fit. Unfortunately for this purpose, both men

[a] Message from the President of the United States, communicating discoveries made in exploring the Missouri, Red River, and Washita, by Captains Lewis and Clark, Doctor Sibley, and Mr. Dunbar; with a statistical account of the countries adjacent (Washington, 1806).

[b] A Journal of the Voyages and Travels of a Corps of Discovery, under the Command of Captain Lewis and Captain Clarke, of the Army of the United States; from the Mouth of the River Missouri, through the Interior Parts of North America, to the Pacific Ocean; during the Years 1804, 1805, & 1806. Containing An Authentic Relation of the most interesting Transactions during the Expedition: A Description of the Country: And an Account of its Inhabitants, Soil, Climate, Curiosities, and Vegetable and Animal Productions. By Patrick Gass. One of the Persons employed in the Expedition. With Geographical and Explanatory Notes by the Publisher. Pittsburgh: David M'Keehan. 1807

had soon after their return received, together with commissions as generals, important government appointments: Lewis being made governor of Louisiana Territory, and Clark its Indian agent and brigadier-general of militia.[a] The onerous duties appertaining to these offices, in the new and vast territory through which they had explored, were necessarily absorbing; and neither being a literary man, the task of publication was under such circumstances easily deferred.

Urged by Jefferson, however—who had from the first been keenly desirous to have the records of the exploration made, as soon as possible, the common property of the world—it was in 1809 agreed that General Lewis should at once undertake the editorship of the journals. Arrangements were made with C. & A. Conrad & Co., of Philadelphia, for the publication of the work, and a prospectus was circulated with a view of obtaining advance subscriptions. Lewis was traveling on horseback through Tennessee, on his way to Washington, intending thereafter to go to Philadelphia to enter upon this editorial task, when he lost his life during the night of October 11. A guest, at the time, of a wayside settler some 60 miles southwest of Nashville, it was reported that he had committed suicide, a theory which Jefferson, probably his closest friend, accepted without question; but it was, and still is, believed by many that he was murdered for the small sum of money upon his person at the time.

Clark, now the sole surviving head of the expedition, promptly sought the assistance of an editor in bringing out the proposed publication. It appears that, probably early in 1810, overtures were made to him from some literary person in Richmond, Va.;[b] but these he rejected, and earnestly solicited the aid of Nicholas Biddle, of Philadelphia. Biddle, who had descended from one of the oldest Philadelphia families, had graduated from Princeton in his sixteenth year (1801). He had been secretary to John Armstrong, our minister to France (1804), and while in Paris had superintended the pay-

[a] Upon the expedition, Lewis held a captaincy in the First regiment of infantry; Clark had been commissioned as second lieutenant of artillery. On their return they both resigned from the army—Clark on February 27, 1807, and Lewis on March 2 following. March 3, Jefferson signed Lewis's commission as governor of Louisiana Territory; nine days later he signed Clark's commission as brigadier-general of its militia, an office combined with that of Indian agent.

[b] See Biddle-Clark correspondence in Coues, Lewis and Clark, I, pp. lxxxii et seq.

ment of American claims growing out of the Louisiana purchase, in this capacity greatly surprising the French officials both by his brilliancy and his youth. After traveling extensively in Europe, he became secretary to Mr. Monroe while the latter was minister to Great Britain, but in 1807 returned to practice law in Philadelphia. At the time of Clark's invitation Biddle was only 24 years of age. He had, nevertheless, already attained considerable reputation as a financier, lawyer, and man of letters in the last-named field, being editor of the Port-folio—and socially was considered by many both the handsomest and the most charming man in Philadelphia, as he certainly was one of the most cultivated. It is small wonder that Clark chose him as the writer of the narrative.

In his second letter to Biddle, dated February 20, 1810, from the home of his father-in-law, Col. George Hancock, near Fincastle, Va., then being visited by the General, he invites his young friend to come to him at that place, "where I have my books and memorandoms and stay with me a week or two; read over & make yourself thereby acquainted with everything which may not be explained in the Journals. * * * Such parts as may not be full, I can explain, and add such additional matter as I may recollect. I brought the Books with me to Copy such parts as are intended for the Botanical work which I shall send to Doct^r. Barton, and will deliver the Books to you if you will engage to write the naritive &c."

On March 3 Biddle replied to Clark, regretting "that it will be out of my power to undertake what you had the politeness to offer," explaining that "My occupations necessarily confine me to Phil^a. and I have neither health nor leisure to do sufficient justice to the fruits of your enterprize and ingenuity. You cannot be long however without making a more fortunate selection."

Two weeks later, however (March 17), he again addressed Clark—who was still at Fincastle—and reports having seen some of the latter's friends in Philadelphia, the result of the conference being that he "will therefore very readily agree to do all that is in my power for the advancement of the work; and I think I can promise with some confidence that it shall be ready as soon as the publisher is prepared to print it. Having made up my mind today, I am desirous that no delay shall occur on my part." He therefore will soon visit the

General at Fincastle. The latter replied (March 25) with "most sincere acknowledgments for the friendly sentiments," and urged an immediate visit, "as my business calls me to Louisiana; and nothing detains me but the business I wish with you."

Biddle made the trip to Fincastle, noted Clark's oral statements, and carried back with him to Philadelphia the journals and maps of the expedition, from which he at once began to write his narrative. In May Clark sent to the editor a young man named George Shannon,[a] who as a mere boy of 16 years, had creditably served as one of the privates in the expedition. Then 23 years old, and studying for the law, Shannon appears to have remained in Philadelphia throughout most of the time spent in drafting the narrative, and materially assisted Biddle, both in interpreting the notebooks and giving personal recollections of the tour. Not only did Clark tender the services of Shannon, but he himself was in frequent correspondence with the editor, and purchased and forwarded to him the journal of Sergeant Ordway.[b] We have seen that the journal of Sergeant Gass had already been published in 1807.

The talented young editor at once surrendered himself almost completely to the difficult task before him. He had promised Clark that the narrative should be ready for the press within twelve months. By the 7th of July he appears to have finished the story of the exploration up to July 7, 1805, above the Falls of the Missouri; for in a note to his distinguished correspondent, chiefly concerning the maps for the publication,[c] he playfully says: "To-day I have sent you and ten men up into a bottom to look for wood to make canoes after the unhappy failure of your iron boat." A year later (July 8, 1811) he wrote to Clark, informing him that he had "completed the work, agreeable to our engagement," and was "ready to put it to the press whenever Mr. Conrad chose."

[a] Shannon was born in Pennsylvania, of a good family, in 1787. After the return of the expedition he lost a leg as a result of a wound at the hands of Indians, the amputation having taken place at St. Charles, Mo. Soon after serving Biddle, he was admitted to the bar at Louisville, Ky.; becoming a circuit judge in Kentucky, a State senator in Missouri, and United States district attorney for Missouri. He died suddenly in court in 1836, aged 49 years.

[b] Coues assumes, in his Lewis and Clark, that Biddle had also the use of the journal of Sergeant Pryor, but I can find no evidence to this effect.

[c] Which were being prepared by F. R. Hassler, Schenectady, N. Y.

In our day a work of this character would eagerly be sought by publishers. Stanley, Nordenskjold, Nansen, and Hedin have had but to choose among applicants from the book trade. Ninety years ago the situation was far different. John Conrad, a prominent publisher of his day, was finally prevailed upon to undertake the work, the financial outcome of which seemed to some others doubtful. He appears to have entered into the project with much interest; but by the time Biddle was ready he had fallen into financial straits and in due course was plunged into bankruptcy, for this was the period of the second war with England and business was unsettled. Biddle accordingly writes to Clark July 4, 1811, stating the facts in the case and incidentally mentioning that "last winter I was prevented from going to the legislature chiefly by a desire to stay & superintend the printing." He has, however, made an arrangement with Thomas Bradford, "one of the best booksellers here," and hopes that "we can proceed vigorously & soon get the volumes out."

Despite Biddle's optimism affairs dragged slowly, for Bradford's terms were unacceptable. Over a year later (September 5, 1812), we find Clark offering Biddle "the half of every profit arising from it, if you will attend to it, have it Completed as far as it is possible and necessary, prented published &c. including the advances which have and may be necessary &c." Biddle does not appear to have accepted this financial proposition. More familiar with the book market, he probably anticipated the failure of the project.

Throughout the entire course of the work Conrad continued his friendly concern, and assisted Biddle in his strenuous search for a publisher. November 12 he tells Biddle by letter that he has tried Johnson & Warner without success, that firm "seem to have so incorrect an idea of the value of the work and probable profits arising from the publication of it." He advises Biddle to "agree to Mr. Bradfords offer. It is I am confident the best bargain you can make for Genl. Clarke. The copyright I presume will be in him (Genl C.) & I suppose he will derive the entire benefit of the sale of the M. S. in England."

This advice Biddle in due time felt impelled to accept, and February 23, 1813, tells Clark that having found Bradford's

terms "not such as I thought advantageous I made proposals to all the booksellers in town. The stagnation in that branch of business was so great that no one was willing to embark in it, and after a great deal of fruitless negociation I was obliged to return and on the advice of Mr. Conrad accept Mr. Bradford's proposals * * * I now wait only for the engravers who will soon I hope finish their work and then we can strike off the printing immediately & in a little time the work will be published." A year was, however, exhausted in the mechanical execution of the two small volumes. During this time the publishing firm of Bradford & Inskeep, which undertook the work, in their turn became insolvent, and at the actual time of publication (February 20, 1814)[a] were in the bankruptcy court.

Just before going to press Biddle was elected to the legislature, in which he soon won an enviable reputation for statesmanlike qualities. Being thus prevented from paying that attention to the book which he thought it deserved, he engaged Paul Allen, a Philadelphia newspaper writer, to supervise the issue. In a letter to Clark (March 23), reviewing some of the circumstances of the publication, Biddle says: "The gentleman who received and prepared it for the press, Mr. Allen, is a very capable person, and as I did not put the finishing hand to the volumes I did not think it right to take from him the credit of his own exertion and care by announcing personally the part which I had in the compilation. I am content that my trouble in the business should be recognized only by the pleasure which attended it and also by the satisfaction of making your acquaintance, which I shall always value. I could have wished that your time had permitted you to revise the whole of the work, as no doubt some errors and inadvertences have from the nature of the volumes and the circumstances attending the publication crept into them. I hope, however, that you will not find them very numerous or impor-

[a] The date of the first sale of volumes. See Coues's Lewis and Clark, I, pp. xci, xcii, for detailed statement of the financial outcome of the enterprise.

The full title of the work was: History of the Expedition under the Command of Captains Lewis and Clark, to the Sources of the Missouri, thence across the Rocky Mountains and down the River Columbia to the Pacific Ocean. Performed during the Years 1804–5–6. By order of the Government of the United States. Prepared for the Press by Paul Allen, Esquire. Philadelphia: Bradford and Inskeep, 1814. 2 vols.

tant. * * * Henceforth you may sleep upon your fame, which must last as long as books can endure. Mr. Bradford has, I presume, sent you a copy of the work." Not long after this (July 1, 1813), General Clark, who since the expedition had been a resident of St. Louis, had been appointed governor of Missouri Territory.

Despite Biddle's determination to claim no credit for the great narrative which has long been regarded a classic in American history, it is quite apparent that Allen's connection with the enterprise was but that of reviser for the press. He himself modestly states in the preface that he does not wish "to arrogate anything from the exertions of others;" that "he found but little to change, and that his labor has been principally confined to revising the manuscript, comparing it with the original papers, and inserting such additional matter as appears to have been intentionally deferred by the writer [Mr. Biddle] till the period of a more mature revisal." Allen secured from President Jefferson an admirable memoir of Lewis; possibly he also blocked out the chapters; and the mechanical form may in a measure be due to him. His labors were doubtless important from the typographical and clerical side; but of course the credit for the enterprise should chiefly rest with Biddle. That the latter had finished the work, ready for the final touches of a practical reviser for the press, is evident from his own letters to Clark, as well as the confirmatory statement which has come down to us from Conrad.

In his admirable edition of the Travels (New York, 1893, 4 vols.) Dr. Elliott Coues spends much space and energy in persistently heaping vituperation on Allen for fathering a work mainly performed by another. Biddle had the undoubted right to withdraw his name from public connection with the narrative. We may consider his reasons Quixotic, but he was entitled to be guided by them, and they certainly bespeak a nature more generous than we are accustomed to meet. As for Allen, it is quite evident that he did his part with becoming modesty; and no doubt he well earned the fee of $500—partly taken out in trade—with which he was rewarded by the publishers. Press revision and proof reading are no light tasks; although we might wish that, while he was at it, he had also given us an index.

The size of the edition was apparently 2,000 copies.[a] Of these it would seem that 583 were either lost in some manner—"supposed to be destroyed in binder's or printer's hands"—or were defective from lacking plates. This would leave for sale only 1,417 perfect copies, which explains why the book is now rare. The net profits on the enterprise were computed at $154.10, of which neither Clark nor Biddle appears to have received a penny. The copper plates of the engraved maps became the property of the latter, and are now owned by his son, Hon. Craig Biddle, of Philadelphia. To Clark was left the copyright. As for the heirs of Lewis, we find them[b] as late as 1816–17 making application to Clark for their share of the earnings, "persuaded that profit arising from that work has been received," and being informed by the kind-hearted governor of the dismal result of the enterprise.

Over two and a half years after the publication a letter from Clark to Jefferson (October 10, 1816)[c] reveals the fact that the explorer had himself "not been so fortunate as to procure a single volume as yet"—thus showing that Bradford, in the midst of his financial troubles, had not carried out his agreement with Biddle, mentioned above, to transmit a copy of the work to the man chiefly concerned in its appearance.

The service of Biddle in editing the journals of the Lewis and Clark expedition was a far more difficult literary undertaking than is commonly supposed. The entire mass of notes which he had before him may be thus roughly computed:

	Words.
Lewis and Clark journals (Amer. Philosophical Society codices)	900,000
Gass journal (as printed)	83,000
Ordway journal—unknown, but possibly	100,000
	1,083,000

To this we should add about 150,000 words in the Clark-Voorhis collection, later to be described, and undoubtedly at one time in Biddle's hands, and whatever additional notes he may have made during conversations with Clark and Shannon,

[a] In this I follow Coues.
[b] Coues, I, pp. xciii, xciv.
[c] Original MS. in possession of American Philosophical Society.

or as the result of correspondence with the former—and they must have been copious. A large proportion of the scientific matter of the Lewis and Clark notebooks, however—which may have aggregated possibly a fourth of the journals as a whole had been eliminated by Clark and Biddle. This material, carefully copied out, was sent to Dr. Benjamin Smith Barton, an eminent naturalist in Philadelphia.[a] Doctor Barton agreed to prepare a special volume, "which was to have been (by contract) prepared in six months from the time" of the appearance of the narrative of the journey. Owing to Barton's illness and consequent death this "cientific part"[b] was not written. Thus, while the Biddle narrative gives a popular account of some of the principal discoveries, the scientific data so laboriously kept by Lewis and Clark—chiefly the former—has thus far not been given to the world.

It was Biddle's task to weave this great mass of heterogeneous data into a readable narrative which should have unity and a simple and forceful literary style. Adopting so far as possible the language of the original journals, where essential he amplifies and explains them from his additional data, it being plain to see, on comparison with the originals, wherein Clark and Shannon and the Ordway and Gass journals had assisted him to a more complete understanding. The nearly 1,200,000 words of the originals he condensed into 370,000 words. The first person plural is used, save where the captains are individually mentioned, and then we have the third person singular. So skillfully is the work done that probably few readers have realized that they had not before them the veritable journals of the explorers themselves, written upon the spot. The result will always remain one of the best digested and most interesting books of American travel, comparable in many respects with Astoria and Bonneville's Adventures—of course lacking Irving's charm of style, but possessing what Irving's two Western classics do not, the ring of truth, which never fails to appeal to those who love a tale of noble adventure in the cause of civilization.

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[a] A professor of medicine in the University of Pennsylvania and a vice-president of the American Philosophical Society.

[b] Clark's letter to Jefferson, dated St. Louis, October 10, 1816, in archives of American Philosophical Society.

We have seen that Jefferson, who set on foot the expedition,[a] had from the first expressed much concern in its records, both in the making and the publication. He had urged their early printing, and on Lewis's death spurred Clark to action, with what result has been related. The dilatoriness of that performance—for which Clark, however, was only partly responsible fretted the great man. December 6, 1813, he wrote to Baron von Humboldt, "You will find it inconceivable that Lewis's journey to the Pacific should not yet have appeared; nor is it in my power to tell you the reason. The measures taken by his surviving companion, Clark, for the publication, have not answered our wishes in point of dispatch. I think, however, from what I have heard, that the mere journal will be out within a few weeks in two volumes, 8vo. These I will take care to send you with the tobacco seed you desired, if it be possible for them to escape the thousand ships of our enemies spread over the ocean. The botanical and zoological discoveries of Lewis will probably experience greater delay, and become known to the world through other channels before that volume will be ready. The Atlas, I believe, waits on the leisure of the engraver."[b] Nearly a hundred years have elapsed, and we still await its publication.

Three years later (1816) we find Jefferson instituting a search for the manuscript journals of the explorers, with a view of placing them in the archives of the American Philosophical Society. He writes (April 26)[c] to Prof. Joseph F. Correa da Serra, a botanist then holding membership in the society, asking him, in the cause of science, to interest him-

[a] In 1783 he suggested to Gen. George Rogers Clark, oldest brother of William, an expedition "for exploring the country from the Missisipi to California," but nothing came of it. The original MS. of this letter is in the Draper MSS., Wisconsin Historical Society, press mark 52 J 93. In 1786, while American minister at Paris, he proposed to John Ledyard, of Connecticut, a plan for penetrating through Russia and Siberia to Kamchatka, "and procuring a passage thence in some of the Russian vessels to Nootka Sound, whence he might make his way across the continent to America [the United States]." But Ledyard was turned back by order of Empress Catherine II, when within a few days of Kamchatka, and this project failed. (See Jefferson's "Autobiography" in Ford's edition of his writings, I, pp. 94–96.) In 1793 he arranged with the French botanist André Michaux to make a transcontinental tour up the Missouri and down the Columbia; but Michaux became involved in the Genet intrigue and got no farther west than Kentucky. Ten years later his fourth attempt succeeded under the direction of Lewis and Clark.

[b] Ford, IX, p. 433.

[c] The original MS. of this letter is in the possession of the society.

self in the matter, and describing in some detail the character of the documents—with which he was himself familiar, for he had handled them at Monticello. These papers, he informs Da Serra, "are the property of the government, the fruits of the expedition undertaken at such expence of money and risk of valuable lives. They contain exactly the whole of the information which it was our object to obtain for the benefit of our own country and of the world, but we were willing to give to Lewis and Clarke whatever pecuniary benefits might be derived from the publication, and therefore left the papers in their hands, taking for granted that their interests would produce a speedy publication, which would be better if done under their direction. but the death of Cap[t] Lewis, the distance and occupations of General Clarke, and the bankruptcy of their bookseller, have retarded the publication, and rendered necessary that the government should attend to the reclamation & security of the papers. their recovery is now become an imperious duty. their safest deposit as fast as they can be collected, will be the Philosophical society, who no doubt will be so kind as to recieve and preserve them, subject to the order of government. * * * As to any claims of individuals to these papers, it is to be observed that, as being the property of the public, we are certain neither Lewis nor Clarke would undertake to convey away the right to them, and that they could not convey them, had they been capable of intending it. * * * my interference will, I trust, be excused, not only from the portion which every citizen has in whatever is public, but from the peculiar part I have had in the design and execution of this expedition."

It appears that Biddle, who still held the majority of the notebooks, was disinclined to surrender them to Jefferson save on order of Clark. September 8 Jefferson wrote to the General soliciting such an order, to "be given in favor either of the War office or myself. * * * I should receive them only in trust for the War office, to which they belong, and take their orders relating to them." He wishes to deposit with the Philosophical Society "for safe-keeping the travelling pocket journals as originals to be recurred to on all interesting questions arising out of the published journal," his desire

being to secure "to the world all the beneficial results we were entitled to expect from it [the expedition] and which would so fully justify the expences of the expedition incurred by the United States in that expectation."

October 10, Clark responds to Jefferson[a] by inclosing "an Order on my friend M[r]. Biddle for the papers in his possession;" Biddle being at the same time instructed as his agent, "to collect all the Books, papers, specimens, &c.," in the hands of Doctor Barton's heirs or others. Clark expresses interest in Jefferson's desire to collect the papers, and adds: "From the mortification of not haveing succeeded in giving to the world all the results of that expedition, I feel Relief & greatitude for the interest which you are willing to take, in effecting what has not been in my power to accomplish." Curiously enough, as we shall soon see, Clark appears to have had at the time in his possession at St. Louis five of his own original journals, nearly all the maps of the expedition, and many miscellaneous documents concerning it; these he did not surrender.

June 28, 1817, Jefferson writes to Dr. John Vaughan, of the society, saying that although Mr. Da Serra had obtained several notebooks from Mr. Biddle and Mrs. Barton, there was still experienced considerable difficulty in collecting all of the documents. Evidently much annoyed, he proposes to bring pressure to bear through the Secretary of War, "that office having some rights to these papers." The further suggestion is made that the society publish "in their Transactions or otherwise," a digest of the "zoological, vegetable & mineralogical papers & subjects."

On the 8th of April, 1818, we learn from the manuscript minutes of the society that "Mr. Nicholas Biddle deposited the original journals of Lewis and Clark, with an account of them and of those journals and documents which he was not possessed of." The following receipt therefor was ordered to be given by the secretary:

Rec[d] April 8. 1818 of Nicholas Biddle 14 Volumes of the Pocket Journal of Meſs Lewis & Clarke: a Volume of astronomical observations & other Matter by Capt Lewis: a ſmall Copy Book containing ſome Notes by Capt. Lewis— A Rough draft of his letter to the President from St. Louis

[a] Original MS. in possession of American Philosophical Society.

announcing his return — Two Statistical Tables of the Indian Tribes West of the Miſsiſsipi river made by Governor Clarke: All which are Deposited with the Hist Com^ee in compliance with the request of Gov^r Clark in his Letter to Nicholas Biddle dated 10 Oct 1816 & forwarded to the Hist. Com^ee by Mr. Jefferson.

It is understood & agreed on the part of the Histo. Com^ee in recieving these books & papers, that Gov. W^m Clark his heirs or aſsigns shall at all times have the full use of them for any future edition of his Travels. By order of the Hist. Com^ee. Jn Vaughan recording Sec. of the Hist. & Lit Class of the Am. Ph. Soc.

The deposit was accompanied by this letter from Mr. Biddle, giving interesting particulars, which in the present connection are worthy of preservation:[a]

PHILAD^A *April 6, 1818*

DEAR SIR: I have the pleasure of depositing with the Historical Committee the papers & books which accompany this letter, in compliance with the request of Governor Clark in his letter to me of the 10th of October 1816 transmitted by M^r Jefferson.

It may perhaps be useful to add such notices of other objects connected with them, as may enable the Committee to extend its researches.

It was in the Spring of 1810 that I received from Governor Clark in Virginia, & brought to Philadelphia the papers & documents deemed neceſsary for the publication of the Travels. They consisted of,

1. A large map of the country between the Miſsiſsipi & the Pacific illustrating the course of the journey.

2. A map for M^r Haſsler who was in the state of New York and engaged in some astronomical calculations for the work.

3. Some documents for D^r Barton.

4. The manuscript journal of Serjeant Ordway, one of the party

5. The pocket-Journals of the expedition, of these

(1) The map after the draft was made from it for the engraver was delivered by the draftsman, M^r Lewis, to Governor Clark when last in Phil^a about the year 1813.

(2) The other map was forwarded by M^r Vaughan to M^r Haſsler, who in his letter dated Aug. 12. 1810 at Schenectady mentioned the receipt of it.

(3) The documents for D^r Barton, were delivered to him immediately after my arrival in Phil^a. Not having received any list of them from Gov^r Clark I of course took none from D^r Barton, and as I was merely the bearer of them, my recollection is not as accurate as it would have been had they fallen more immediately under my examination. My impreſsion however is that the packet for D^r Barton consisted of small manuscript books & some papers. The books were chiefly extracts relative to objects of natural history taken from the original Journal now deposited with the Committee. The papers were Indian vocabularies, collected during the journey. They formed, I think, a bundle of loose sheets each sheet containing a printed vocabulary in English with the corresponding Indian

[a] Original MS. in possession of the society.

name in manuscript. There was also another collection of Indian vocabularies, which, if I am not mistaken, was in the handwriting of Mr Jefferson.[a]

I have turned to my letter to Governor Clark dated July 7. 1810, the first to him after my arrival at Phila, in hopes of finding some further particulars, but the letter merely states in general terms "I need not say that I arrived safe at this place—that the map was immediately forwarded to Mr Hafsler, and that Dr Barton received all his papers." In the preface to the printed travels which, being published in Phila whilst Dr Barton was there, must be presumed to have been correct—it is stated that "those parts of the work which relate to the various objects of natural history observed or collected during the journey, as well as the alphabets of the Indian languages are in the hands of Profefsor Barton, and will it is understood, shortly appear." This was in 1814.

I have mentioned these particulars fo minutely because the description may perhaps enable some of the Committee to recognize the vocabularies, which I incline to think were the only things delivered by me to Dr Barton not included in the volumes now deposited.

(4) The journal of Serjeant Ordway was I believe a private purchase from that person. Governor Clark in his letter to me of the 24 Jany. 1818 desires me to send it to him.

(5) The Journals of Mefsrs Lewis & Clark from the beginning to the end of the journey are contained in the 14 volumes, all of which are now deposited. There is besides one volume of astronomical observations & other matter by Captain Lewis, a small copy book containing some notes by Captain Lewis—the rough draft of his letter to the President from St Louis announcing his return—and two statistical tables of the various tribes of Indians west of the Mifsifsipi made by Governor Clark.

These are all the observations which occur to me as promising to be useful to the Committee.

Very respectfully yrs

NICHOLAS BIDDLE

Honble WILLIAM TILGHMAN,
Chairman of the Historical Committee of the Philosl Society.

Here the records of Jefferson's search suddenly stop. Neither the Federal Government nor the American Philosophical Society having decided to publish them, these priceless manuscripts slumbered untouched for nearly seventy-five years in the library vault of the society, practically unknown to historical scholars. The two-volume Biddle narrative—an abbreviated paraphrase, but commonly accepted by the world as the actual journals of Lewis and Clark—had, after the first period of neglect, been reprinted over and over again in

[a] Several copies of the Indian vocabulary blank prepared by Jefferson are in the possession of the American Philosophical Society, having been presented by him in October, 1820. It consists of a sheet 7¾ by 19¼ inches, printed on both sides—although there are some which were printed on but one side of a sheet twice this width, the two pages standing side by side. Those filled out represent, among others, the Miami, Micmac, Shawnee, Chippewa, and Lenâpe languages, while several are still blank. In the collection are none which appear to have emanated from the Lewis and Clark expedition.

England and America (about twenty distinct editions) and been translated into the German and Dutch languages.

In 1892 Dr. Elliott Coues, eminent as a scientist and traveler, as well as an editor of American historical sources, was engaged in editing with elaborate notes a new edition of Biddle. He already had most, if not all, of his matter before him in galley proofs when (December) he learned for the first time of the existence of the original manuscripts in Philadelphia. Armed with a letter from the explorer's son, Jefferson Kearny Clark, of St. Louis, Coues requested the loan of the journals from their custodians. This was granted by the society (vote of December 16), and the manuscripts were accordingly sent to him at Washington. He considered it too late to block out the work afresh and to discard Biddle's text, but compromised by enriching his notes with many citations from the originals—unfortunately freely modernized, as was his custom with all of the Western manuscripts which he edited—and from them also compiled a new chapter in the Biddle style, which he inserted into the body of the book as though a part of the Biddle text. His modified excerpts but served to whet the appetites of Western historians, and thus led to the project for their eventual publication in extenso and with literal accuracy.

In returning the journals to the society Coues transmitted therewith a detailed report upon their scope and condition.[a] While in his possession he attached to each journal (or codex) a memorandum summarizing its contents, and to each codex gave an identifying letter, running from A to T.[b] This was

[a] Published in American Philosophical Proceedings, XXXI (No. 140), pp. 17–33.

[b] There are in this collection eighteen notebooks in all, and twelve parcels of loose sheets. Of these, thirteen are small books, bound in red morocco covers, 8½ by 5½ inches in dimension, each containing 152 pages—seven of these books are by Lewis and six by Clark; they are collectively called "the red books," and are Codices D–P of Coues's arrangement. There is one volume by Clark of similar size, bound in brown leather and containing 274 pages, which is lettered as Codex C. Then come four bound in boards, marble paper sides, containing about 184 pages each, two being by Clark and two by both explorers, known as Codices A, B, Q, and R. The loose sheets, consisting of leaves torn from the other books, are labeled Codices Aa, Ba, Fa, Fb, Fc, Fd, Fe, Ia, La, Lb, S, and T. It is difficult to say which of these, if any, were actually carried in the field. In his letter to Da Serra of April 26, 1816, already cited, Jefferson assumes that the red morocco books were carried in the field by Lewis, "in which, in his own handwriting, he had journalized all occurrences, day by day, as he travelled;" indeed, we have already seen that Jefferson called them "travelling pocket journals." Coues thinks, however, that probably none of the codices, except possibly Codex C, was a field book, but was written up afterwards. It is not necessary here to cite the evidence in detail, but I am also inclined to this view, save that as Codex C differs radically in appearance from the known Clark field book in the possession of the Voorhis family (to be described later), I am disposed to consider C as a copy, possibly made at Fort Mandan or Fort Clatsop.

commendable, but certain other liberties which he took with these precious manuscripts merit our condemnation, for in many codices he freely interlined the text with his own verbal changes and comments, and in general appeared to treat the material as though mere copy for the printer, which might be revised by him with impunity. Apparently the codices were unopened by the custodians after their return, for it was not until the summer of 1903 that the society authorities were made aware, by one who was examining them in detail, of the astonishing treatment to which they had been subjected by Coues.

The next chapter in the story opened in the spring of 1901, when the society's historical committee determined—in view of the forthcoming Louisiana Purchase Centennial—at last to carry out Mr. Jefferson's suggestion, and secure the publication of the Lewis and Clark journals direct from the original manuscripts in their custody. They succeeded in interesting in this project the firm of Dodd, Mead & Co., of New York, who in turn engaged the present writer as editor of the work.

In the course of the consequent investigation into the sources there came to view in the society's library a few other Lewis and Clark items, besides the codices handled and labeled by Coues. These were chiefly statistical tables regarding the Western Indians, a meteorological record, and a list of the explorers' specimens sent from Fort Mandan to the society[a]—matters of considerable, although not commanding, importance.

In Coues's report on the codices, as published in the Society's Proceedings,[b] occurs this note: "One of Clark's journals is now in the possession of his son, Mr. Jefferson K. Clark, of St. Louis. I am not informed of the date covered by this volume, nor of the nature of its contents." Upon assuming charge of the proposed publication, the writer at once approached the widow of Mr. Clark—the latter had died in New York soon after the appearance of the Coues edition—and requested an opportunity of examining this notebook, under the supposition that it was the Ordway journal, which had been returned to General Clark as being his private property, purchased by him. For a long time this request

[a] Many of these are still preserved by the Academy of Sciences of Philadelphia.
[b] Page 22 of publication previously cited.

and many successive appeals through friends of the family were unanswered. Later it appeared that the present owners of the papers of William Clark were his granddaughter, Mrs. Julia Clark Voorhis, and her daughter, Miss Eleanor Glasgow Voorhis, both of New York City. The father of Mrs. Voorhis was the late George Rogers Hancock Clark, younger son of William, and the executor of the latter's estate. In this manner the family manuscripts relating to the expedition had descended to these two ladies.

In October, 1903, the writer was invited to visit the Voorhis home and examine material which had been uncovered during the search instituted by the ladies for the Ordway journal. The store of manuscripts which was shown to him upon his arrival was of surprising richness, consisting of the following items:

Clark journals.

Red morocco notebook No. 1.—Diary, April 7–July 3, 1805; 38,000 words, with three maps of the Falls of the Missouri.

Field book, bound in a rude piece of elkskin, secured by a thong and button, and undoubtedly carried in Clark's pocket upon the expedition—Diary, September 13–December 31, 1805; 20,000 words, with over a dozen full-page sketch maps of the trail over the mountains, interwoven with the badly-blurred text.

Red morocco notebook No. 2.—Diary, January 30–April 3, 1806; 41,000 words, with numerous pen sketches of canoes, birds, dwellings, tools, etc., by the same hand (Clark's) as those contained in Lewis's codices of similar dates in the American Philosophical Society's collection.

Red morocco notebook No. 3.—Diary, April 4–June 6, 1806; 35,000 words, with some sketch maps.

Fragment of journal.—Detached leaves, giving evidently first draft of entries, April 16–21, 1806; 2,300 words.

Red morocco notebook No. 4.—No diary, but containing sundry notes and tables of weather, distances, astronomical and ethnological data — all covered, however, in more finished manuscripts in the American Philosophical Society's collection. There are also in this book four excellent colored maps.

Miscellaneous material.

An orderly book running from April 1–October 13, 1804, and a detached entry for January 1, 1806; detached orders promulgated at River Dubois camp February 20 and March 4, 1804; also several other detached orders issued during the expedition.

Ten letters (some of them drafts).—Lewis offering (June 19, 1803) Clark an equal partnership in command of the expedition; Clark's acceptance thereof (July 17); Clark's letter to President Jefferson (July 24),

informing him of acceptance; Lewis to Clark (August 3), expressing his gratification at the latter's acceptance; six others, chiefly by Clark, relating to various phases of the expedition.

Numerous other letters and memoranda—among them an original of Jefferson's letter of credit; Clark's various military commissions before, during, and after the expedition; fragmentary records of courses and distances, Indian tribes, weather data, and the like; and data concerning the Assinniboin country, obtained from British traders at Fort Mandan.

Maps.

Most important of all the documents are about sixty detailed maps, for the most part made by Clark, while on the trip. Collectively, these illustrate the greater part of the journey both going and returning, indicate camping places, and contain many interesting comments on the country and the Indians. These charts vary in size from 8 inches square to several feet long.

In addition to the above materials bearing directly on the expedition, there are in this collection a considerable store of manuscripts concerning the career of William Clark during the period prior and anterior to the expedition, some of them being of much importance in connection with the early history of the territories of Louisiana and Missouri; there are also numerous manuscripts bearing upon the life of George Rogers Clark, William's elder brother. These, and several oil paintings of the Clarks—chiefly George Rogers and William—together with numerous valuable relics of these men, make of the home of Mrs. Voorhis a museum of great interest to students of Western history.

Two interesting queries arise in this connection: (1) How did General Clark obtain possession of this wealth of manuscripts, when all the records of the expedition were supposed to be in the hands of Biddle and Barton, as editors, and by the latter were delivered on Clark's order, and at Jefferson's request, to the Philosophical Society? (2) Why did not the General surrender them either to the Philosophical Society or to Jefferson, when the latter was eagerly searching for all the documents in the case, claiming them as the undoubted property of the Government, and all the while Clark was ostensibly assisting him to that end?

To the first query the probable answer is that Biddle found these particular notebooks of no service to him, for all of the facts contained in them are either in Lewis's journals of similar dates or in other drafts by Clark—as a rule, fuller and in

better form. He therefore probably returned the books to Clark in the early stages of the work, keeping only those which later were placed in the society's archives and which sufficiently present the entire story of the expedition. It is probable, also, that the engraver having completed the necessary maps for the publication, all of the charts made upon the expedition were returned to Clark. As for the elkskin-bound field book, already transcribed into another volume, this probably did not go to Biddle at all. The orderly book, the various fragments, the Lewis-Clark correspondence, and the letter of credit were doubtless also kept at St. Louis as being deemed for Biddle's purpose of a popular narrative unusable material. As for the Ordway journal, it is on record that this was returned to Clark, although thus far it has not been discovered among his papers.

That these documents were not surrendered by Clark to Jefferson during the latter's search was possibly occasioned by the fact that Clark—an exceptionally busy man, yet in this affair apparently quite lacking in business habits—had either forgotten their existence or, like Biddle, considered them as of slight historical value. His seemingly careless treatment of them would appear to bear out the last conclusion. Clark (who died in 1838) lived at a fine country homestead, "Minoma," in the outskirts of St. Louis, and kept all his private papers pigeonholed in an old secretary. This piece of furniture came into the possession of his third son, George Rogers Hancock Clark, who in later years roughly arranged his father's papers into bundles and labelled them. His daughter, Mrs. Voorhis, some half dozen years ago, first examined these in a general way, and at once recognized their value as literary material; she was indeed, she states, engaged in preparing some of the documents for publication when the present writer came upon the scene. His search for the Ordway journal stimulated Mrs. and Miss Voorhis into a closer scrutiny of their family treasures, and in due course negotiations were entered into with them, resulting in the inclusion of all their Lewis and Clark material in the projected publication of the original journals of the expedition.

It has often been asserted that Sergeant Pryor wrote a journal of the expedition, and some have assumed that Biddle used it in preparing the narrative of 1814; but evidence to

this effect seems to be wanting—in any event, no one now seems to know the whereabouts of this manuscript. The journal (12,500 words, covering the dates March 13–August 18, 1804) of Sergeant Floyd, the only man of the party to meet death during the trip,[a] was, in the spring of 1805, sent from Fort Mandan to his parents in Kentucky, and eventually became the property of the Wisconsin Historical Society. It was published in 1894 in the Proceedings of the American Antiquarian Society, with an introduction by James Davie Butler. Soon after the return of the expedition, Robert Fraser, one of the privates, solicited subscriptions in Vermont for a publication of his journal, to be "contained in about 400 pages octavo;" but it did not appear, and the present writer has no knowledge of the manuscript. The existence of a journal (67,000 words, covering the dates May 14, 1804–November 6, 1805) by Private Joseph Whitehouse was unknown until recently. It was purchased in San Francisco by Dodd, Mead & Co., to be published in connection with the original journals of Lewis and Clark. After having been edited for the press the manuscript was acquired from the publishers by Edward E. Ayer, the well-known Chicago collector.

Thus, seventy-five years after Jefferson's quest, and within a few weeks of a hundred years after the arrival of the Lewis and Clark expedition at their preliminary camp on River Dubois, there have at last been located presumably all of the literary records now extant of that notable enterprise in the cause of civilization.

When published, as they bid fair to be within a twelvemonth, their original journals will create a new interest in the deeds of Lewis and Clark. Not only are they much more extensive than the Biddle narrative, and the voluminous scientific data—in botany, zoology, meteorology, geology, astronomy, and ethnology—an almost entirely new contribution; but we obtain from the men's notebooks, as written from day to day, a far more vivid picture of the explorers and their life than can be seen through the alembic of Biddle's impersonal condensation.

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[a] Floyd, aged about 20 years (possibly 23), died near the site of the present Sioux City, Iowa, May 14, 1804, and was buried on the top of a neighboring bluff. The site is now marked by a stately stone monument dedicated (May 30, 1901) to his memory by the Floyd Memorial Association. See reports of the association—First, 1897; second, 1901.

The pages of the journals are aglow with human interest. The quiet, even temper of the camp; the loving consideration that each of the two leaders felt for the other; the magnanimity of Lewis, officially the leader, in equally dividing every honor with his friend, and making no move without the latter's consent; the poetic temperament of Lewis, who loved flowers and animals, and in his notes discoursed like a philosopher who enjoyed the exercise of writing; the rugged character of Clark, who wrote in brief, pointed phrase, and, less educated of the two, spelled phonetically, capitalized chaotically, and occasionally slipped in his grammar—all these, and more, are evident on every page, causing the reader deeply to admire the men and to follow them in their often thrilling adventures with the keenest sympathy and anticipation. We shall hereafter know Lewis and Clark as we never knew them before. The Biddle narrative will no doubt continue to live as the brief popular account of an exploration fraught with great consequence to American expansion; but at least the student of history will feel that the original records, as the men wrote them on the spot, are by far the more satisfying of the two.

VI.—THE AARON BURR CONSPIRACY AND NEW ORLEANS.

By WALTER FLAVIUS McCALEB.

THE AARON BURR CONSPIRACY AND NEW ORLEANS.

By Walter Flavius McCaleb.

It may be said, without fear of contradiction, that from 1783 to 1803 New Orleans was one of the most conspicuous and coveted objects in the New World. The reason is not far to seek. Commanding the mouth of the Father of Waters, so long as it remained in foreign hands—hands which clutched at the throat of commerce, already choked with rapacious tariffs—there could be no peace for all that mighty region, stretching westward from the Alleghenies. The bold, brave frontiersmen—who tamed the wilderness and the fierce Red Men dwelling therein, who struck through the unknown miles of Kentucky, Tennessee, and Mississippi intent upon winning a home—were not to brook for long the hindrances and the obstacles with which a decaying power sought to stay their advance. Right or wrong in the abstract, the pioneers who stripped the forest from the blue-grass region and made it to bloom with maize and tobacco, who reared in superabundance cattle and swine and horses, were not to be denied a market in the Creole City, whither they floated on the Mississippi, bearing with them on their flatboats all manner of products. And so, soon after the Revolutionary war had passed into history, the clamor arose for a free river; and a free river the Westerners meant to have, even at the price of war; and whether that war were with Spain or France depended upon the circumstance of ownership. Jefferson came to realize this, and Louisiana was purchased.

What was the attitude of the inhabitants of New Orleans on the occasion of that momentous transfer? That is a mooted question, and here no formal attempt will be made to answer it. As to their disposition, three years later, in connection with the Aaron Burr conspiracy, there can be no doubt.

When Aaron Burr was cast from power in the East, the revolutionary ardor which had inspired him to enter vigorously into the struggle for independence stirred him to prosecute a scheme he with many others had meditated, a scheme which looked to the revolutionizing of certain of the territories owning the allegiance of Spain. Laboring systematically to this end, the summer of 1805 found Burr traveling through the West feeling the war pulse of the country, for at the moment conflict with Spain over the Louisiana boundaries seemed a matter only of days.

In due course Burr reached New Orleans, bearing with him letters from Gen. James Wilkinson to Daniel Clark, merchant and trader with Mexico, and revolutionist, who had advocated, prior to the purchase of Louisiana, its forcible conquest. At a dinner given in the Vice-President's honor, he was no doubt introduced to that company, known as the Mexican Association, whose undisguised object was the "collecting [of] information relative to the population and force of the interior provinces of New Spain, which, in the event of war, might be useful to the United States." Dr. John Watkins, mayor of New Orleans, and leading member of the association, declared this to be its true purpose; and in all that country was not a stancher patriot-lawyer and man of unusual oratorical gifts and of impeccable character. Among other members of this association were James Workman, judge of the county of Orleans, an eager revolutionist; Edward Livingston, the father of Louisiana's laws; and a number of characters more or less prominent in the social and political life of the new territory.

The objects for which this association was organized have been grossly misconstrued. Viewed in the light of the almost universal opinion that Burr's conspiracy was at bottom treasonable, the association has been held to be of like nature; that it succeeded in adding to Burr's original plan for the conquest of Mexico the much more extensive one of incorporating with New Spain the whole of the Western country, whose capital was to be New Orleans.[a] Such a view is entertained by several of the most eminent of American historians, not to speak of innumerable writers who have followed their lead, appropriating without question their conclusions. However, ac-

[a] Henry Adams's History of the United States, III, p. 223.

cording to Gayarré, the historian of Louisiana, it was with the Spaniards that Burr conspired, and the activity of the forces of Spain in that quarter during the time of the life of the conspiracy was attributed by him to effort on their part at cooperation.[a] Here, with all kindliness, the distinguished author undoubtedly erred.

It is needless to repeat that for a century it has been generally affirmed that the Creole population of New Orleans resented the acquisition by the United States of the dear land they had called after Louis XIV; aye, that they so resented it they could stoop to treason to undo the iniquity. These allegations, according to certain data, appear to be fallacious.

In the first place, there was no outspoken protest on the part of the inhabitants concerned against the cession of Louisiana to the United States, because many of those who had taken up residence in the colony had been driven there by the tyrannies of the old régime in France, and because the trade relations with the Americans were already fixing the destiny of the city. True, there arose some discord over the situation and chiefly because the full rights of statehood were withheld, but that this ever took on the cast of serious disaffection has never been shown. It is also true that a delegation was sent to Washington to protest, but failing that mission nothing more was heard of the grievances. The vindication of the loyalty of the inhabitants of the Union came in connection with the Aaron Burr conspiracy. When in the summer of 1806 it was believed that war with Spain could be no longer delayed; when an American army stood facing the forces of King Carlos along the Sabine; when a squad of arrogant Spaniards still lingered in New Orleans, and when the direst rumors were bruited of the sinister designs of the followers of Aaron Burr, there was no man in New Orleans, so far as the proofs go, who did not center his hopes in the Stars and Stripes. At a banquet in that city, celebrating the Fourth of July, 1806, the toast was given: "The ancient boundaries of Louisiana—republics never contract their limits." And Gov. W. C. C. Claiborne was delighted with the patriotic manner in which the people generally applauded the natal day of the nation.

[a] Gayarré's History of Louisiana, III, p. 81.

"On yesterday," he wrote to Dearborn, in a dispatch of July 5, "the citizens of this place exhibited a degree of patriotism which afforded me pleasure. All the stores in the city were closed by order of the city council, and the inhabitants generally suspended their usual avocations. High mass was performed in the forenoon at the churches, and a Te Deum sung. At night a new tragedy, called 'Washington, or the Liberty of the New World,' was performed and much applauded by the numerous audience, consisting for the most part of ancient Louisianians."[a]

The idea of an audience of ancient Creoles applauding a drama entitled "The Liberty of the New World"! This harks back with a disquieting ring, so far as the old theory is concerned touching their loyalty, and seems to prove that the temper of the original inhabitants was totally misunderstood by those then in authority in the United States. The growling of the smallest coterie of malcontents in New Orleans, by the time it reached Washington, had become a loud-mouthed roar of disaffection, and a disaffection pausing at nothing short of treason.

The summer of 1806 drifted to August, and with it spread alarming rumors of a Spanish invasion from beyond the Sabine. The whole country was aroused, and fears were current in the East that the foreigner meant to strike at the capital of Orleans, where he would find sympathy and material support. This, however, was far from the real situation. Governor Claiborne forthwith issued a proclamation calling on the people to aid in repelling this new aggression of His Catholic Majesty. In response, the frontiersmen hurried to the front, eager for a chance to settle, if need be in blood, certain of the long-standing insults of the uncompromising foe. Claiborne wrote Captain Cushing, then commander of the advance force of Americans on the Sabine, that he was immensely pleased at the spontaneous outpouring of the people,[b] and to Dearborn, Secretary of War, that the ancient Louisianians were foremost in appearing.

Within a few days more than four hundred were in arms in the western parishes of Louisiana, awaiting the tardy coming of General Wilkinson. Indeed, the inhabitants answered

[a] Claiborne to Dearborn, July 5, 1806, Clairborne's Journal, p. 201.
[b] Claiborne's Journal, p. 254.

with such alacrity that in one parish, where the governor had asked for 100 volunteers, 215 responded. And in the Creole City itself, the Orleans Gazette threw down the challenge to Spain and spoke as a belated disciple of the French Revolution.

We are happy to learn—

ran the extraordinary passage—

that the Government has at length issued positive orders to repel the aggressions of our enemies by force. We have indeed suffered through them almost beyond human endurance. Their intrigues to disturb the repose of this country, their maintaining possesion of our territory between the Mississippi and Perdido for upward of two years, their outrageous conduct toward our citizens on the banks of the Tombigbee—these and a thousand other injuries and insults demand instant redress. * * * On this we may sincerely rely that our President, who had so large a share in accomplishing the independence of the United States, will seize with eagerness and exultation an honorable occasion that may offer for conferring upon our oppressed Spanish brethren of Mexico this inestimable blessing of freedom, which we ourselves enjoy. * * * Gallant Louisianians, now is the time to distinguish yourselves! Should the generous efforts of our Government to establish a free, independent republic in Mexico be successful, how fortunate, how enviable would be the situation of New Orleans. The deposit at once of the countless treasures of the South, and the inexhaustible fertility of the Western States, we would soon rival and outshine the most opulent cities of the world.[a]

It was Editor William Bradford who penned the lines, and it was the Gazette that fought valiantly for the rights of the citizens of the city, when a little later the arm of martial law lay heavily upon it. New Orleans should revere the memory of that brave, loyal man, and the title "Orleans Gazette" ought to be perpetuated by some periodical standing for the rights of men.

Following in fast course there was the sound of marching men on the frontier and the marshaling of militia in the streets of the city. It was war! war! But just at this stage the evil genius appeared. It seems an extraordinary thing even in this much-involved, mysterious world, that the acts of one man, under a given set of circumstances, may cast a false light over a great chapter in the history of a nation; and yet such is true. The arrangement of the corrupt status quo on the frontier, by the establishing of the Neutral Ground Treaty with the Spaniards in violation of all precedent and law, was

[a] The Orleans Gazette, September 23, 1806.

but a phase in the conduct of Gen. James Wilkinson.[a] Chiefly through his selfish schemes the sanity of President Jefferson was routed, and he was led to believe that a diabolical scheme for the dismemberment of the Union was on foot, and that Aaron Burr was its arch-fomenter. Jefferson, in turn, denounced his old political opponent, scarcely stopping at the word "traitor," and the people blindly believed the Sage of Monticello. Burr's nine flatboats upon the Mississippi no longer bore the innocent banner of a filibustering enterprise, but the crimson standard of sedition. Time will not permit any elaboration of this point, nor of the temporary arrangement of difficulties on the frontier, nor can attention be given the alarming letters sent by General Wilkinson to the President with the consequent measures ordered by the Chief Executive for the protection of New Orleans. There can be no doubt that Jefferson and his Cabinet were at one time fearful of the consequences which might arise from a concerted attack upon the city; but, in reality, there never was the slightest danger.

General Wilkinson pretended not to be of this opinion, and while still delaying in the Sabine country, after the arrangement with the Spaniards, wrote to Colonel Freeman, who commanded at New Orleans, that his place should be rehabilitated by December 20;[b] and a little later he said to Colonel Freeman:

> This will be delivered to you by Major Porter, who descends with the body of artificers and laboratory men to aid your operations. The Major carries with him specific instructions, which you are to respect and support promptly. We must repair the old defences of the city; it is our only resort, as we shall not have time to do more. * * * Let your measures be taken as if by order of the Secretary of War, but profess utter ignorance of motives. Manifest no hurry or emotion, for you are surrounded by secret agents, yet use every exertion in your power. * * * I shall be with you by the 20th instant, in the meantime be you as silent as the grave.[c]

And then to Governor Claiborne, who had returned to the city from the frontier, it was a month now and more since Wilkinson professed to have had his first warning of the nature of Burr's enterprise—he wrote that pillage and all the horrors of medieval robber knights were following in the wake of Burr:

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[a] McCaleb's The Aaron Burr Conspiracy, pp. 136–171. Wilkinson's Memoirs, Vol. II, Ap. XCVII.

[b] Wilkinson's Memoirs, II., Ap. CI.

[c] Wilkinson's Memoirs, II., Ap. XCIX.

You are surrounded by dangers of which you dream not, and the destruction of the American Government is seriously menaced. The storm will probably burst in New Orleans, where I shall meet it and triumph or perish. * * * We shall have one thousand troops in the city in three weeks, and I look for more by sea. I have little confidence in your militia, yet I trust we may find a few patriotic spirits among them.[a]

It was remarkable that he had now no confidence in the militia which he had praised but a few days before for the readiness with which they had turned out against the enemies of the country. And to the President he wrote in even more exaggerated dissimulation:

This is indeed a deep, dark, and widespread conspiracy, embracing the young and the old; the Democrat and the Federalist; the patriot of '76, and the exotic of yesterday; the opulent and the needy; the ins and the outs, and I fear it will receive strong support in New Orleans from a quarter little suspected. * * * To give effect to my military arrangements, it is absolutely indispensible New Orleans and its environs should be placed under martial law. * * * To insure the triumph of Government over its enemies, I am obliged to resort to political finesse and military stratagem. I must hold out false colors, conceal my designs, and cheat my adversaries into a state of security, that, when I do strike, it may be with more force and effect; and therefore my own bosom, were it possible, should be the sole repository of my determinations. But independent of considerations of policy, my personal safety will require the most profound reserve, to the last moment of indecision; for were my intentions exposed, there are more than three desperate enthusiasts in New Orleans who would seek my life, and although I may be able to smile at danger in open conflict, I will confess I dread the stroke of the assassin, because it can not confer an honorable death.[b]

Wilkinson, strangely enough, meant to hint that the Americans were in open arms against the Government. And among the anomalies of the affair, none is greater than this, that Wilkinson and Claiborne came to accuse the Americans in New Orleans and to find their heartiest supporters among the Creoles. Surely no element is weightier in showing the fallacy of the generally accepted theory that the city was ready to revolt. To Daniel Clark, then Delegate in Congress, Wilkinson wrote December 7: "Your Creoles will turn out with great vivacity." And Claiborne dispatched a little later to Madison the following: "It is a fact, sir, that the Louisianians, I mean the ancient inhabitants of the country, are now the best supporters of the American Government."

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[a] Wilkinson's Memoirs, II., 328. [b] Wilkinson's Memoirs, II., Ap. C.

Notwithstanding all this, the General of the Army of the United States, intent upon playing his sinister rôle, reached New Orleans November 25, and straightway entered upon that devious path, which is without a parallel in our history. In order to bring the President into his plans, he had sent to Washington under dates of October 20[a] and 21[b] long letters, though noncommittal, concerning the enterprise, and these very letters called forth the President's proclamation of November 27, which proclamation completely undid the Burrites. The President had spoken on the strength of Wilkinson's denunciation, and the people of the country at large believed. Not again until November 12, did the General take a forward step, and this time in a letter to Jefferson, the expedition, in his eyes, had become treasonable.[c] So when he entered the Creole City it was with his plans well matured. The details of the régime which he forthwith installed can not be here discussed.[d] He set himself deliberately to terrify the people. First of them was Claiborne, the governor, a kindly, purblind man, and he fell speedily under the spell; and together they worked, except in such extreme matters as suspending the habeas corpus and the declaration of martial law. But the General plotted secretly, permitting the circulation only of disquieting rumor, knowing that this would work more subtly than if the whole matter of the expected attack by Burr were at once disclosed.

It was December 9 before he made public any of his engrossing information; and it was to the New Orleans Chamber of Commerce that he first told his woeful tale of treason. He at once laid before the merchants plans for the protection of the city. The sailors of the merchant vessels were requested and granted for service on the men-of-war[e] and active steps were taken for the public defense. Now, indeed, the mask being thrown aside, the people breathed freely; and further progress in Wilkinson's campaign of extravagance was hindered as much as possible by those he palavered about saving. He tried to make the city believe it was to be given over to 2,000 bandits with Burr at their head;

[a] Wilkinson's Memoirs, II, Ap. XCV.
[b] Letters in Relation to the Burr Conspiracy, MSS. State Department.
[c] Wilkinson's Memoirs, II, Ap. C.
[d] McCaleb's The Aaron Burr Conspiracy, pp. 201–241.
[e] Claiborne to Madison, December 9, 1806; Claiborne's Journal, p. 306. Orleans Gazette, December 9, 12, and March 31, 1807. Gazeta de Mexico, January 17, Vol. XIV, 36.

that a negro uprising was to be incited, and that the city was honeycombed with sedition. To all this the populace turned a deaf ear, and when the governor refused to lend his authority in the establishing of martial law, the General assumed the responsibility himself. December 14 saw the first series of military arrests, and the involved defiance of the civil authorities. Erick Bollman, Ogden, and Swartwout were seized, their papers confiscated, and themselves confined aboard ship.[a] Bollman and Swartwourt were speedily sent by sea to Washington, where they were as speedily released, there being no evidence against them.

The contest waged in behalf of the civil as against the military authority, following Wilkinson's arrests, is most notable, but can not in this place be more than approached. Ogden was released on a writ issued by Judge Workman of the county court; but he was no sooner free than he was again incarcerated, and, finally, to the writs which reached the General, he wrote:

> The commander of the Army of the United States takes on himself all the responsibility which may result from the arrest of Erick Bollman, who is accused of being guilty of the crime of treason against the Government and the laws of the United States, and I have taken opportune measures to warrant his safe delivery into the hands of the President. General Wilkinson adopted this precaution only after many conferences with the governor and the two judges of this Territory, desiring alone to secure the nation which is menaced to its foundation by a band of traitors associated with Aaron Burr, whose accomplices stretch from New York to this city. * * * Nobody holds in higher regard than I the civil institutions of his country, and only to maintain and perpetuate the sacred attributes of the Constitution against the hands of daring violence have I arrested Bollman, as I shall arrest, without respect to class or station, all those against whom I have positive proof of being accomplices in the machinations against the State.[b]

Still other arrests followed, among them that of Mr. Alexander, and to writs issued for him and Ogden by Judge Workman, Wilkinson replied:

> General Wilkinson requests the honorable Judge Workman may have the goodness to receive the General's answer to the superior court of the Territory, in the case of the traitor Bollman, as applicable to the traitors who are the subjects of this writ.[c]

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[a] Orleans Gazette, February 27, 1807.
[b] Orleans Gazette, December 18, 1806. Gazeta de Mexico, XIV, 40.
[c] "A Letter" (pamphlet by James Workman, 1807), p. 14.

That was a legend tantamount to announcing the dissolution of the civil authority, and Judge Workman thereupon grimly resigned his office, but not until he had appealed in vain for the third time to Governor Claiborne to come to the aid of the courts.[a] Workman was himself one of the next to be led away by military escort; Kerr kept him company; John Adair, but recently United States Senator, and Lieutenant Spence also joined the procession, most of which landed at Washington, and in the end the Government had to pay certain sums for false imprisonment.

Meantime the war vessels were armed, and under the most stringent regulations intercourse was kept up with the outside country. Daily, too, there were circulated rumors of the approaching hosts under Burr. But December passed and no Burr; January ran on, and finally came the news that a fleet of nine flatboats, laden with agricultural implements and horses and about three score of young and enthusiastic followers, had hauled in at Bayou Pierre and quietly surrendered to the Mississippi authorities. That was the vanishing of Wilkinson's hope. Instead of violent men many of them proved to be of the best families of the West; instead of thousands of "bandits," as the General had pronounced them, they were only scores of honorable citizens, who had never dreamed of anything worse than taking advantage of the war feeling to march against the decaying power which ruled so large a part of the New World.

But even before Burr and his company had landed at Bayou Pierre—indeed, while he was an expected enemy—the knell of the military usurpation had been sounded. January 12, prior to the receipt of the news of Burr's surrender, the legislature of the Territory assembled, and to Claiborne's message[b] concerning the conspiracy and the necessity for the suspension of the habeas corpus, made bold reply:

> It is indeed difficult to believe that, in the bosom of a Government, the most free that exists on earth, plots, the success of which must be fatal to liberty, should have been formed. If, however, it be true that the ambitious and depraved men who have conceived such criminal projects have found proselytes, the legislative council are convinced that it is not amongst the ancient inhabitants of this Territory, and that, notwithstanding the

[a] "A letter," p. 14.

[b] Claiborne's Journal, p. 415; Cf. Orleans Gazette, January 16, 1807.

dissatisfaction which they once manifested openly when they thought themselves aggrieved, there is no perfidy, no treason to be apprehended from them by the General Government. If they do not yet possess all the privileges enjoyed by the American citizen, they already set so much value on the rights which have been granted to them that their late privation of those rights in the present stormy circumstances has created among them the most serious alarm.[a]

And then in another paragraph they spoke their minds:

With regard to the extraordinary measures which have taken place for some time past in this Territory, although your excellency has not thought proper to reveal to the legislature the reasons which have led to them, yet this house considers it is a sacred duty which they owe to themselves and their fellow-citizens fully to investigate those measures and the motives which have induced them, and to represent the same to the Congress of the United States.[b]

A still more drastic arraignment was to follow:

Though nothing can justify, yet circumstances of extreme danger in the moment of invasion, during the suspension of civil authority, might excuse some of these violent measures. But here no foreign enemy or open domestic foe was then or has yet been proved to have been within any perilous distance of this city, or that treason lurked within our walls. * * * The acts of high-handed military power to which we have been exposed [are], acts too notorious to be denied, too illegal to be justified, too wanton to be excused.

Such a denunciation meant that so far as New Orleans was concerned the conspiracy was dead. The tranquility of the place was scarcely broken by echoes from Natchez and Washington, Miss., where certain of the "arrests" were being harassed by the United States courts, and when, in the early summer of 1807, the arch alarmist of America had taken himself away to attend the trial of Burr at Richmond, where he was destined to end the farce, the Creole City relapsed into unbroken quiet. The revolution of west Florida in 1810 woke again something of the warlike hatred of Spain, but the unimpeachable loyalty of the Creoles, if more evidence were needed, was fixed the day the British army reeled, crushed and broken, from before Jackson's lines on the Chalmette. The native inhabitants of Louisiana had vindicated themselves.

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[a] Gayarre, IV, 177.

[b] Gayarre, IV, 178. Orleans Gazette, Extra, March 20, 1807

VII.—THE SPANISH ARCHIVES AND THEIR IMPORTANCE FOR THE HISTORY OF THE UNITED STATES.

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THE SPANISH ARCHIVES AND THEIR IMPORTANCE FOR THE HISTORY OF THE UNITED STATES.

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I.

ORGANIZATION AND HISTORY.

The difficulties encountered by Jared Sparks, Buckingham Smith, and the American minister to Spain in the middle of the last century, when they tried to carry on certain researches in the archives[a] of that country, have given currency to the notion that these repositories are still practically inaccessible to the historical worker, unless he is prepared to unravel countless yards of red tape. Indeed, more or less in the spirit of the fabled fox and the grapes, the belief has existed that the Spanish archives were of comparatively little use to the student of American history. When any investigator has ventured to invoke diplomatic aid, and has secured information from the official treasure houses, he records the fact in a footnote that reads vaguely "Spanish archives," without further precision of reference. Both printed description and personal use have made the contents of the manuscript stores in London and Paris fairly well known to the American student, but, in the absence of these agencies of familiarization, the just importance of the Spanish archives for the history of the United States has never been shown.

Contrary to the received opinion, be it said that Spain is to the American historian a country of attractive promise and of rich reward.[b] Nowhere in the world are the good offices

[a] See the bibliography at the close of this article, p. 181.

[b] "Really it is an honor for Spain that the foreigners who come to study us find such ample facilities to exhaust all our documentary storehouses, to an extent that perhaps no other country of Europe offers, even to its own citizens."—Vicente Vignau, in the Revista de Archivos, Bibliotecas, y Museos, Tercera época, IV, p. 182. Cf. also Desdevises du Dezert in Le Bibliographe Moderne for 1901, p. 19.

of diplomats less needful, the opportunities for personal research more varied, and the officials in charge so courteous and helpful as in the "land of the Dons." Unfortunately, however, the materials themselves are dispersed among several repositories, and this fact, added to a defective system of classification, renders the task of the investigator especially difficult. The present paper is designed to awaken a proper degree of interest in the Spanish archives among American students. Within its brief limits attention will be directed to the history and organization of the three great public archives—namely, those at Simancas, Seville, and Madrid—which contain immense quantities of documents relative to the United States. Practical suggestions and indications also will be offered as to the character, location, and use of the materials of United States history in these centers, and in a few others of less note.

Of the Spanish archives as a whole it may be said that they are divided into three classes, according to their character as general, regional, or special.[a] To the first class belong the repositories at Simancas, Seville, Madrid, and Alcalá de Henares, the documents of which concern the nation in general, and whose historical value is of great importance. The regional archives are those which refer to a certain portion of Spain or to one of the kingdoms that formerly composed it. The special repositories are such as contain papers relating to the offices of government and to the universities. The ecclesiastical establishments and their documentary material, of course, are not included in the classification.

The archives of the kingdom, together with its libraries and museums, are under the direction of an official body of archivists, librarians, and curators[b] (Cuerpo Facultativo de Archiveros, Bibliotecarios y Anticuarios). This body forms a department of the Ministry of Public Instruction and Fine Arts. For their respective careers the members (facultativos) are required to pursue a special course of university study,[c] covering a period of three years.[d]

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[a] The law now in force which governs the organization and use of the archives is the Reglamento para el Régimen y Gobierno de los Archivos del Estado, of November 22, 1901. It appears in the Gaceta de Madrid of November 26, 1901.

[b] Cf. Alcubilla, Diccionario de la administración española, 5th Ed. 1892. I. Verb. "Archivos."

[c] Revista de Archivos, Bibliotecas y Museos, Tercera Epoca, IV, 574.

[d] Rafael Altamira, the professor of jurisprudence at the University of Oviedo, declares

Up to 1844 the Spanish archives were a sort of adytum into which no one could penetrate without special permission from the Crown. Since that year the restrictions have steadily fallen away,[a] until now the admission to them is practically as free as that to a large public library in the United States. The privilege of using the archives calls for no diplomatic assistance whatever, because they are open on the same terms to foreigners as to natives. However, a letter of introduction from the American minister to the director (jefe) of each of the repositories whose materials the student may wish to consult, tends to facilitate his work quite as do similar documents elsewhere in the business and professional world. Naturally, also, the investigator must be able to read Spanish fluently, and to speak and write it with scarcely less ease. The official requirements, as such, are few. Upon entrance into any archival center for the first time, the investigator must state in writing his name, nationality, occupation, and purpose in consulting the documents.[b] The only other requirement is the exaction of a promise to send at least one copy of whatever work he may subsequently publish as the fruit of his researches in the archives, and the same rule applies to photographs or reproductions of documents and maps. These stipulations once complied with, every facility that a fairly liberal interpretation of the rules will allow, and a helpful courtesy suggest, will be placed at the disposal of the historical worker. At the same time he is free from any censorship whatever on his notes and copies.

The rules common to public archives everywhere, regarding the proper conduct of visitors and their treatment of manuscripts, of course prevail in Spain, but certain special regulations should be cited. For example, in the archival

that the students are frequently ill prepared at entrance, and hence that the results from the long array of technical studies are not always what the programme would indicate. The books for such study, also, are scarce and lack practical information. He believes, furthermore, that the assimilation of this professional body to the bureaucratic personnel of the Government is injurious alike to its character and to its usefulness. (De Historia y Arte, pp. 57–59.)

[a] The successive stages in this process of liberalization may be traced in Alcubilla, op. cit., I, p. 601 et seq.; the Gaceta de Madrid, March 26, 1881, and May 19, 1900; and the Reglamento above mentioned. Cf. also, infra, pp. 155, note *a*, 164, note *c*, for specimens of early regulations.

[b] The statement is duly filed, and should the investigator go to some other repository he need only mention the fact that he has already given the above information. If he decides to change radically the character of his work, in that case a new statement has to be made out.

centers where printed application blanks are furnished by the porter in the general workroom, the visitor must fill out one of them daily, giving his name and address, and specifying on the slip the shelf numbers of the bundles (legajos) of documents he may wish to examine. He is not allowed to call for more than one such bundle at a time, but when this is returned he may use the same slip for the new number. To ascertain the shelf numbers in question, the student may avail himself of the printed catalogues where such exist, or he may obtain permission from the director to consult manuscript catalogues and inventories, provided they are in bound form. Otherwise he must apply for information to the official in charge of the workroom. Counter drawing and tracery, as well as the use of chemicals to render a manuscript legible, are allowed only by consent of the director. Documents are returned to their shelves when the archives close, unless the worker declares his wish to use them the next day. Under no circumstances, also, is permission granted to borrow manuscripts,[a] as is done in some of the German archives. Most of these restrictions, however, are allowed to be liberally construed at the discretion of the director of each repository.

As a whole the documents in the archives are divided into two great classes,[b] public and reserved, according to their date and subject-matter. The former class embraces all papers dated not later than 1834, when the Government of Spain became a constitutional monarchy. The latter includes the documents generally of later date, and those also which might prejudice in any way the reigning dynasty, or the relations of Spain with foreign powers;[c] but even here the propriety of allowing a responsible person to use them lies within the discretion of the director in each case.

Enough has now been said to show how liberal is the treatment accorded the investigator in the Spanish archives—a liberality that in practice occasionally borders on an imprudent

[a] This is true at any rate of the documents in Simancas. Revista de Archivos, etc., Tercera Epoca, March, 1903, p. 246.

[b] Owing perhaps to its quasi-administrative character as a special repository of the "state papers," this line of division is more clearly marked at the Archivo Historico Nacional in Madrid than elsewhere. (See below, p. 169, note c.)

[c] The number of such papers is not large, and they relate almost entirely to questions of boundaries, both of Spain and of the Spanish-American States, as well as to the fortifications of Gibraltar and other strongholds.

disregard of the necessary precautions against theft and injury of the papers. When one adds the spirit of courtesy and helpfulness evinced by the officials toward foreign visitors in particular, and the immense riches of the collections themselves, the opportunities for historical research seem boundless indeed. But at this point candor born of experience compels the statement that various obstacles lie in the way of a successful prosecution of research, which render it tedious, difficult, and even discouraging.[a] To begin with, the documents relating to a given subject are liable to be dispersed among several centers many miles apart. Nor do these repositories themselves always preserve reasonably clear distinctions among their varied collections. Duplication of the same document in different repositories is not rare, and even in the same archival center it is a fairly common occurrence to find such duplicates scattered through two or more legajos that have no apparent connection with one another. Even the indications on the legajos themselves, on groups of papers within them, or on the individual documents, are at times misleading. Hence the only safeguard against repetition for the investigator who examines large numbers of documents, is to prepare daily for his own use a sort of check list, in the form of loose slips, that will contain the dates, the names of correspondents, and other marks of positive identification. This list he should have constantly at hand when examining new legajos. Furthermore, the inventories, indexes, catalogues, and other means of locating and determining the character of documents in the archives, are rarely printed.[b] Those in manuscript, however, are often so crude and inaccurate, or so general in their information, as to make the selection of a particular document, or even a series of them, largely a matter of chance.

Personal research, therefore, braced by an ample supply of patience, is almost indispensable for work in the Spanish

[a] For illustration of this remark and the ones that follow, in the cases of the three great centers at Simancas, Seville, and Madrid, see below, pp. 159, 166, 170.

[b] "It is not sufficient," remarks Señor Vignau, "to assemble papers and to amplify materials. It is necessary also to publish catalogues of them, and thus to make their riches known. In this way we shall put an end to the spectacle, which we have furnished so long, of having foreigners tell us about the treasures we have in our archives." El Archivo Historico-Nacional, p. 169. Cf. also Altamira, op. cit., p. 60.

archives, and that patience is quite often tried by a drawback, in addition to those already cited, namely the interposition of saints' days and royal birthdays, when the archives are closed. The historical student who remains at home and confides in diplomatic investigations on his behalf, or who intrusts the task of research to the average Spanish copyist, will probably fail to get good results. Nor, as a rule, will the archivists themselves undertake either to conduct or to supervise such research. The most they will do is to copy documents, provided that the shelf mark, or other designation of the legajo, the date of the paper, its number in any series, the names of the correspondents, or some other means of identifying the paper, or the portions of it to be copied, are clearly specified in the application. Arrangements for copying, furthermore, should be made with the director in person, or with some official whom he may depute for the purpose. The usual price for plain copies[a] ranges from 1 peseta and a half (22 cents at the present rate of exchange) to 2 pesetas (30 cents) a pliego, or sheet of four pages 12 by 9. The cost depends upon the age and legibility of the manuscript itself, the number of documents to be copied, and the time within which the work has to be done.[b] Accurate copies in a language other than Spanish, or that involve peculiarities in spelling, diction, pronunciation and the like, are rather difficult to obtain, but they may be certified in this respect by the director for about three times the ordinary rate.

Various reasons there are to explain why the present arrangements in the Spanish archives are unsatisfactory. Some share of the blame may fall upon the system of classification actually in vogue, and some perhaps may be attributed to unskillfulness, indifference, and even to carelessness on the part of the archivists themselves. All things considered, however, their work will easily bear comparison with that of similar officials in more favored countries. The notorious neglect of past years in the preservation of public documents, their accumulation without a semblance of order in cellars and storerooms, the political vicissitudes of Spain in the

[a] By law the officials of the archives are prohibited from doing this work in office hours, but the regulation is not strictly observed.

[b] At Simancas the price is never less than 2 pesetas a pliego, and in the Archivo Historico-Nacional an extra charge is made for the paper.

nineteenth century, all explain why the archival system is defective. But the maintenance of that condition, whatever the cause or motive that prompts it, is rather the fault of the Spanish Government, which allots to the most important repositories less than $500[a] a year for the expense of preserving and cataloguing millions of documents. When to the factor of the small salaries paid to the officials is added that of a personnel inadequate in numbers to do the work connected more immediately with the care of the documents themselves, and to meet the frequent demands, both public and private, for searches and copies, it is not surprising that slowness and inaccuracy should be the consequences. Obviously the consolidation of the more important centers into a great body of national archives, like those of France and England, would mean not only an immense concentration of effort and a like saving in time, money, and energy, but it also would enhance beyond measure the utility of the archives to the historical world. Thus far the Spanish Government either has failed to perceive the advantages of consolidation, or lacks the inclination or resources to accomplish so vast an improvement. Local and professional pride, as well, on the part of the respective directors of the great centers, who naturally are zealous in promoting the usefulness of their own repositories in particular, is no slight obstacle to the unification of the Spanish archives.[b]

The comparatively large number of repositories of public documents in Spain is explained by the history of the country itself, whose national unity was attained by the coalescence of independent States, each of which naturally had its own archives.[c] From a very early period it was the custom in these States, as in others of Europe at the time, to place their public papers in cathedrals and monasteries for safe-keeping. The municipalities, the brotherhoods, the military orders, and other political and civic organizations also had their archives hidden away in secret strongholds and vigilantly guarded. The checkered growth of modern Spain from an obscure

[a] Three thousand pesetas to the Archivo Historico-Nacional, 2,500 to Simancas, and 2,000 to the Archives of the Indies.

[b] Cf. infra, pp. 160, 169.

[c] The best brief history of the Spanish archives, perhaps, is that of Vignau, E. Archivo Historico-Nacional, Madrid, 1898, p. 18 et seq.; and see the bibliography infra, p. 184.

mountain principality in the Asturias to the consolidated Kingdom of Charles V and Philip II, displayed such a conflict of passions and interests, such a repeated division and subdivision of States, that a fixed central repository of the royal archives could not be established. The churches and monasteries, therefore, continued to receive most of the state papers that were not needed for the immediate purposes of administration. The latter class of documents was deposited in strong boxes, and either stored in the various royal palaces or carried with the monarchs and courts in their migrations from place to place.

As early as 1346 the Kingdom of Aragon had arrived at such a condition of stability under Peter IV that the so-called "Archives of the Crown of Aragon" were founded at Barcelona.[a] In the middle of the following century John II and Henry IV attempted to do the same for Castile. They ordered that all documents of the "Royal Crown and Patrimony" scattered among ecclesiastical centers, the Council of Castile, notaries, magnates, and officials of the court, should be placed in the castle of La Mota in Medina del Campo, and in the Alcázar of Segovia.[b] Little seems to have been done, however, and not until the reign of Ferdinand and Isabella was the project revived. To recover and maintain the powers of the Crown, these monarchs issued a decree, February 26, 1485, commanding the admiral of Castile to begin the collection of what were to form the royal archives.[c] Subsequent orders, in 1489 and 1494, directed that a room be set aside in one of the royal offices for the reception of "grants, ordinances, and writings that concerned the State and the Crown." But such were the disorder and confusion in the public documents that many of them were actually sold for waste paper.[d]

Under the emperor Charles V the project took on new vigor. His efforts, indeed, to bring together the scattered materials aroused so much suspicion as to the use he might make of them, that in 1520 the rebellious Comuneros burned

[a] They are now in a palace near the cathedral, which is built on the site of an ancient castle belonging to the counts of that city.

[b] Vignau, op. cit., p. 20.

[c] Ibid, p. 21.

[d] Martin Arrabal, Archivos españoles: su orígen y su historia, pp. 10–11.

several of the temporary collections. Aided by a papal bull, in 1531, Charles entered upon the task of having the papers that had escaped destruction removed from their hiding places and gave orders that they and all others procurable should be stored in the castle at Simancas.

This powerful fortress on the frontiers of Castile and Leon, built, it is believed, in the thirteenth century, had long been the property of the admiral of Castile. In 1480 it was sold to Ferdinand and Isabella, who converted it into a state prison for offenders of high rank. Its proximity to Valladolid, then the seat of the royal court, the security of its lofty walls, and the comparative freedom it afforded against the danger of fire, all commended the castle to Charles V as the proper repository of the state documents. To this end, in 1540, the Emperor appointed an archivist to superintend the collection of the papers. Certain portions of the castle also were fitted up to receive them. Three years later the transmission of the papers began. For the preservation of the most important ones Charles ordered that a chest be made with two keys, one of which should remain in the possession of the president of the chancery in Valladolid, while the other should be placed in the hands of the castellan of Simancas. "It is my will," he adds, "that without my permission no one shall open this box, or take from it any grant or privilege for anybody."[a]

Charles V, however, did little more than to originate the scheme of establishing the archives at Simancas; it was his son, later Philip II, who made it really effective. At Philip's suggestion a royal edict was issued in August, 1545, deploring the neglect, confusion, and ruinous condition of the state papers, and denouncing the conduct of persons, both public

[a] When the first director of the archives at Simancas entered upon his duties in May, 1545, he found that the castle contained only nine such boxes. His appointment was accompanied by the following instructions: (1) The work of recovering the papers was to be continued, and they should all be locked away with care. (2) He who has charge of them must be learned, and must possess a key to the iron grating and to the door of the room and place where they were kept. (3) The castellan, or warden of the castle, should have a similar key, and both of these officials must be present whenever a document was placed in or taken out of the chests. (4) Prior to entering upon the exercise of his office the archivist must take an oath of fidelity before the president and council at Valladolid, Díaz Sánchez, Guia de la Villa y Archivo de Simancas, pp. 20, 22. With certain modifications, these rules remained in force at Simancas till the middle of the nineteenth century, when the official body of archivists was created.

and private, who had not obeyed the previous commands of the Crown on this subject. All councils, tribunals, monasteries, municipalities, and other corporations, therefore, as well as private individuals, were ordered to surrender and deliver all papers of a public character which they might have in their possession. Useful work, nevertheless, in gathering and assorting the documents, and in adapting the interior of the castle for their proper collocation, was not done until after 1559, when Philip took up his permanent residence in Spain. Thenceforward the task of the archivists in all these respects was under his immediate supervision.

By the middle of the sixteenth century the acquisition of territories in Europe and beyond the seas had produced such an expansion of public business, and the multiplication of so many Government offices, each with its own set of archives, that the repository at Simancas could be used no longer as an administrative center. Accordingly, in 1568, several years after the capital had been transferred from Valladolid to Madrid, Philip ordered the various Government offices to send to Simancas "all papers which by reason of age were no longer necessary for the knowledge and determination of current affairs." From that time the archives in the castle began to assume the more distinctive rôle of a storehouse of history in the making, although its treasures lay open to such only as obtained the special permission of the Crown.

Under the succeeding monarchs of the house of Hapsburg the careful management of the public archives lapsed, and the consignment of papers to Simancas became correspondingly slow and irregular. With the accession of the Bourbons an improvement in these respects was noticeable, and a more or less continuous, though disordered, stream of documents flowed into the castle until checked by the invasion of the French. In 1809 a force of French soldiers occupied Simancas, and the spoliation of its manuscripts began.[a] Kellermann,

[a] Spanish authorities, like Romero de Castilla y Peroso (Apuntes históricos sobre el Archivo General de Simancas, p. 79) and Díaz Sánchez (Guia, etc., pp. 46–47), describe at some length the fearful havoc and destruction wrought by the rude and ignorant French soldiers among the papers in the castle. Bergenroth, however, in the Calendar of State Papers: Spanish, 1485–1509, pp. vii–ix, seems to think that the comparative amount of damage done was slight. The reasons he adduces would lend weight to the probability that more papers were carted away in an orderly fashion to Paris than were used as b. ds for horses, thrown out of the windows of the castle, or otherwise subjected to the caprice of vandalism.

the commander at Valladolid, had received orders from Napoleon to send to Paris the most important historical papers[a] in Simancas, which were to form part of the contribution of Spain to the huge imperial archives that the Emperor intended to create in his capital city. The work of transmission began late in 1810, and was continued under the supervision of M. Guiter, an archivist specially deputed for the purpose, until July, 1811, when military exigencies brought the spoliation to a close. In all, more than two hundred wagon loads were dispatched. They contained some 7,861 bundles (legajos) of the most valuable documents in Simancas, concerning chiefly the international relations of France and Spain from the fourteenth century to the eighteenth. After the abdication of Napoleon, the Spanish ambassador at Paris demanded the restoration of the papers;[b] but on a variety of pretexts the French Government declined to part with 283 of the bundles, and despite the repeated protests of Spain has retained them to the present time.

As soon as the French troops had left the castle of Simancas and certain bands of peasant marauders who followed in their wake had been driven out, the task was undertaken of reclaiming the archives from the tremendous confusion into which they had fallen. In 1820, also, the flow of papers thither from the various Government offices was resumed and continued until 1850, when the number of legajos stored in the building reached 80,000, the approximate number of separate documents 33,000,000, and all available space in the fifty-odd rooms had been occupied.

The figures just quoted afford some idea of the vast accumulation of manuscripts in Simancas, and the value of them is fully commensurate with their bulk. In point of time they range chiefly from the end of the fifteenth century to the latter part of the eighteenth. It is a misfortune, however, that this storehouse of enormous historical wealth is so inaccessible, and the conditions of life about it so primitive, that few investigators have the hardihood to go there in per-

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[a] Kellermann wrote to the French minister of the interior that, were all the papers then in Simancas to be sent to Paris, more than twelve thousand wagons would be needed for their transportation. (Romero de Castilla, op. cit., p. 77.)

[b] Cf. Alcubilla, Diccionario de la Administración española, 5th ed., Vol. I, p. 601.

son.[a] Situated in a rolling and almost treeless country, at the angle of a hill on the highroad to Tordesillas, the castle of Simancas stands at the outskirts of a forsaken hamlet of that name, inhabited by herdsmen and vinedressers, and long since lapsed into squalor and wretchedness.[b] Altered and renovated as it has been, without and within, to repair the ravages of time and to meet the requirements of a home of documents, the old structure is still a picturesque pile replete with towers and battlements and surrounded by the moat and

[a] The report of the director of the archives for 1902 shows that out of 116 persons, native and foreign, who consulted them during the year only 7 actually went to Simancas.

[b] To reach Simancas, which is 7 miles distant from Valladolid, the nearest railway station, one must take a stage that leaves from a more or less indeterminate spot in that city some time in the afternoon, or hire a rickety cart and be shaken almost to pieces over the rough roads until set down in front of the castle. Spanish officials, whose lot it may be to reside there, aver that Simancas is the "terror of archivists, a purgatory on earth, but without the hope of glory." The village is simply bereft of anything to divert or amuse by day, and at night is illumined only by the moon and stars. After the six hours of work in the archives, the visitor who seeks relief from the intense monotony that ensues, may ramble about the country and find diversion in dusty roads, fields of scant vegetation, chalky hilltops, clumps of dwarf pines, or along the bank of the little river Pisuerga. From October to April blustering, icy winds are apt to add to his discomfort, while during the remainder of the year the scorching sun keeps him indoors till late in the afternoon. The archivists themselves, it is true, place at his disposal whatever social advantages they possess, and the villagers are not averse to an occasional chat with the etranjero. Indeed, the peasants are more kindly disposed toward the stranger than they are toward the archivists and their assistants, for many of them are fully convinced in their own minds that they are taxed solely in order to pay the salaries of the functionaries in the castle.

It is possible, of course, for the visitor to live in Valladolid, but the distance, the roads, the climate, and other personal inconveniences induce him rather to seek accommodations in Simancas. These he may find in some family of the better class, but Spanish pride usually renders it impossible. He must perforce content himself with the village parador, or "stopping place," to which a vigorous stretch of the imagination might give the name of inn. The first glance at this hovel, directly opposite the castle, impels the belief that the building is designed to satisfy the wants of four-footed guests, and a sojourn in it confirms the impression. Not only is it wretchedly protected against the elements, but the two or three bare and cheerless rooms on the second floor reserved for human wayfarers are the very acme of primitive discomfort. To this must be added the further circumstance that the peasant fare is of the simplest, and not appetizing either in savor or in the manner of its preparation. Nevertheless, whatever be the extent of annoyances and inconvenience that the life in Simancas entails, all are more than offset by the riches of the archives. As Professor Flammermont justly remarks: "When one has left them laden with a wealth of booty he soon forgets all the petty discomforts." Nouvelles Archives des Missions, Scientifiques et Littéraires, VIII, p. 458. For descriptions of the life in Simancas as given by foreign investigators, see Baudrillart, in the Archives des Missions, etc., third series, vol. 15, p. 4 et seq.; Boissonade, in the Nouvelles Archives des Missions, etc., Vol. I, p. 216 et seq.; Flammermont, in the same, Vol. VIII, p. 457; Desdevises du Dezert, in Le Bibliographe Moderne for 1901, p. 26; Gindely, in the Archivalische Zeitschrift, VI (1881), p. 263; Bergenroth, in the Calendar of State Papers, Spanish, 1485–1509, pp. II–III; and also the accounts in Gachard and Carini, mentioned in the bibliography below, pp. 182, 183.

wall of feudal days. The archives themselves are open daily from 8 to 2.

The documents in the archives are kept in bundles (legajos) of varying sizes, and are arranged in single and double files along a series of more or less antique wooden shelves and stands, or heaped up on the floor of damp closets of stone and plaster. The majority of the papers are folded and lack such wrappings as would protect them properly against dust, moths, and mildew. The evils of this collocation, however, have been remedied somewhat by inclosing the documents in pasteboard covers (carpetas), and by placing them in single file, but thus far the improvement applies to a portion only of the section known as "state papers" (papeles de estado).

Once the investigator is seated at a table in the spacious workroom, he may call for as many legajos at a time as he wishes, but at the outset a serious difficulty confronts him. While the use of the manuscript indices and inventories is ordinarily permitted, many of them are old and badly arranged. The documents in general are divided into classes and subdivided into sections, within which the order is more or less chronological and alphabetical. The system of classification is presumed to be fourfold, viz, historical, administrative, legislative, and judicial.[a] In each of these divisions the legajos are numbered consecutively. This does not imply necessarily a chronological order, but rather one of convenience at the time the legajo was made up. Nor are the lines of demarcation among the several divisions themselves clearly drawn.[b] The historical division, which contains the "state papers" proper,[c] includes diplomatic correspondence up to the end of the eighteenth century, treaties and conven-

[a] For a good treatise on the Spanish institutions and system of administration, chiefly in the eighteenth century, see Desdevises du Dezert, L'Espagne de l'Ancien Régime, Paris, 1897–1899.

[b] For example, there is a curious section called "Obras y Bosques," i. e., "Works and Woods," preserved in one of the towers of the castle. It contains certain documents relating to purchases and disbursements on behalf of the Crown, the wills of monarchs, and miscellaneous papers, many of which belong elsewhere. Apparently they come from no particular office of the Government, but pertain to an ancient class of financial duties connected with the management of the royal patrimony. See Anuario del Cuerpo Facultativo de Archiveros, Bibliotecarios, y Anticuarios, Vol. I, p. 65, note; and Díaz Sánchez, Guia, etc., p. 22.

[c] Cf. below p. 171, note [c].

tions, papers relating to the army and navy, and a series of royal commissions, patents, warrants, diplomas, and the like.

The administrative division comprises documents dealing with the ecclesiastical power of the Crown (real patronato) in its broadest sense, and with the several councils of government; while the legislative and judicial portions include mainly the documents of the great department of state, known as that of "Grace and Justice" (Gracia y Justicia). Special administrative sections, the places whence the papers came to Simancas, and their subject-matter are also influential factors in complicating the mode of classification.[a] Not only are gaps and errors of frequent occurrence, but the order and description of the papers are so general that little more than the title of the section, the approximate dates, and possibly the names of the principal persons or agencies concerned, can be gathered from most of the inventories. Also the labels or inscriptions and dates on the legajos themselves, and even the dockets (extractos) on the individual papers, which are supposed to give a clue to their respective contents, are at times untrustworthy. Rarely, indeed, are the separate documents numbered, and often they have no consecutive order within the legajo. Besides the indices and inventories, which usually deal with the legajos as a whole, there is a constantly growing series of paper slips[b] (papeletas), placed in specially constructed table cases (casilleros). They are arranged in a fairly accurate fashion, by names, subjects, and dates, more or less like a card catalogue, but usually they afford no more definite information than is contained in the dockets (extractos) on the individual documents or groups of them (expedientes) within the legajo.[c] They may be consulted only with the aid of an official.

On the whole, the state papers are the best preserved and arranged, and hence the most accessible of the collection. One must depend largely, it is true, upon the general designation of class, section, date, and names of correspondents as set

[a] See the general inventory in Díaz Sánchez, Guia, etc., p. 62, et seq.

[b] Eventually these slips, like the ones similarly prepared in the other archival centers, are to be pasted on the leaves of blank books, the contents of which in turn will be printed so as to insure convenience of reference and to guard against misplacement or loss.

[c] None of the papeletas have reference to the United States.

forth in the inventories; but in the more recent indices of this sort there is an occasional attempt made to calendar the individual papers, or to give some information about groups of them within the legajo.

Foreign investigators and the Spanish archivists and historians themselves have emphasized repeatedly the remoteness of the archives at Simancas, and the consequent difficulties attendant upon their use. The inadequate facilities for preserving the manuscript treasures, their antiquated system of classification, and the repellent conditions of a sojourn in the village have all been condemned. The critics have shown that the papers in Simancas are not essentially different from those in collections elsewhere, and, for all the reasons given, have urged persistently that the archives be consolidated with those in Madrid or in Alcalá de Henares near the capital.[a] But neither the criticisms of foreigners nor the chronic protests and complaints of native archivists and historians have had any marked effect on the Spanish Government, whose policy in the matter is a singular compound of poverty, parsimony, inertia, indifference, and perhaps a bit of sentimentality as well.

The second great repository in Spain, which contains materials of value for the history of the United States, is the Archives of the Indies[b] (Archivo General de Indias) at Seville. To Juan Bautista Muñoz, the famous compiler and

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[a] "The continuance of the statu quo in the matter has no * * * defense in reason, logic, historical interest, administrative convenience, or in utility, public or private," remarks Señor Escudero de la Peña, the former director of the Archivo General Central at Alcalá de Henares, in his little brochure entitled "Paralelo entre los archivos generales de Simancas y de Alcalá, y conveniencia de su refundición," Madrid, 1883, p. 16; see also Revista de Archivos, Bibliotecas y Museos, Segunda Epoca, Vol. I, p. 178. In his annual report to the minister of public instruction, dated January 31, 1903, Señor Paz, the present director of the archives at Simancas, alludes to preceding reports where mention is made of the "incomprehensible situation of these archives, isolated from all literary communication." He calls attention to the "distressing and anomalous conditions" of life in a village where there is no occupation or diversion other than the six hours of work in the archives. The documents should be sent, he urges, to a more convenient center, or the old building at least should be made more "decent" in respect of heat and light. Also he points out that, since no one lives in the castle, and in the absence of any regular police force, theft and fire are ever present dangers. Cf. the forcible opinions expressed by a writer in the Boletín de Archivos, etc., I, p. 167, et seq.

[b] Much of the account that follows of the establishment of the Archives of the Indies, their classification, etc., is derived from a manuscript memorial of D. Pedro Torres Lanzas, the present director, submitted to the Department of Public Instruction in the "Ministerio de Fomento," July 14, 1897. Information has also been gathered from his subsequent reports to the ministry of public instruction, and from the sources mentioned in the bibliography at the close of the article, p. 181 et seq.

historian, is due the essential honor[a] of having founded this noble treasure-house of Americana.[b] At his own suggestion he was commissioned by Charles III in 1779 to write the history of the Spanish Indies, as based on "authentic and incontestable documents." Muñoz found the materials widely dispersed among the various departments of the Council of the Indies, the archives at Simancas, the India House (Casa de la Contratacion) at Seville, and the Tribunal of Commerce (Consulado) at Cadiz. So ill-kept and arranged, also, were the documents themselves that he represented to José de Galvez, then the principal minister of the Indies, the immense benefit that would result from the establishment of a distinct archival center for them. It would be useful, he declared, both for the public administration and for his own immediate object.

Galvez approved the idea forthwith and suggested the Casa Lonja, the erstwhile "Merchants' Exchange" at Seville, as a fit repository.[c] He also instructed Muñoz to locate the abiding place of documents that concerned the Indies, and to examine carefully their proposed home.

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[a] As early as the reign of Philip II orders had been given to the officials in Simancas to assort and catalogue such of its documents as related to the Indies. But many of the offices connected with the Government of America and the Philippines failed to send to Simancas their proper consignments of papers, and nothing further appears to have been done in the way of forming a separate collection of Americana till 1778, when Charles III substantially repeated the order. At the same time, this monarch authorized an official to ascertain the condition of the documentary materials preserved in Seville and Cadiz. See Villa-amil y Castro, Breve Reseña histórico-descriptiva del Archivo General de Indias. These facts, however, do not diminish the credit to which Muñoz is entitled as the real founder of the Archives of the Indies. He has left an interesting discription of his activities to this end in a memorial prepared in 1787, and now preserved in the secretary's office of that repository. Cf. also his Historia del Nuevo Mundo, Prólogo, pp. 1–6.

[b] "The Archives of the Indies are * * * the sole monument left to us of our past colonial grandeur, which there finds its best title to a proper vindication, and there awaits in calmness the decision of justice and of time." Boletin de la Real Academia de la Historia, June, 1902, p. 561. The special function, moreover, of the Archives of the Indies as a bond of interest between Spain and America is well emphasized by a writer in the Madrid newspaper, El Imparcial, January 12, 1901.

[c] In 1503 the India House (Casa de la Contratacion) was established at Seville, and made the sole agency of commerce between Spain and the Indies. The monopoly thus enjoyed by the city attracted crowds of merchants and traders, both native and foreign, so much so that in 1543 Charles V authorized the corporation of merchants to create a "Consulado de Indias," or tribunal of commerce for the Indies, which was to serve as the judicial department of the India House. At first the merchants had held their daily "meetings on 'change," in the offices of the "Casa de la Contratacion" then located in the old alcázar, or fortress of the Moors. Later, as their numbers increased, and particularly since the establishment of the "Consulado" had narrowed their quarters in the alcázar, the custom arose for them to assemble on the wide stone platform around the cathedral. In case of rain the merchants thought little of carrying on their noisy transactions within the sacred edifice itself. Scandalized by their conduct, the archbishop of Seville besought Philip II to stop such an unseemly profanation of the "sacred temple and divine faith," and at the same time to check the "irreverence to our Lord thereby

Although Charles III had already given orders to have the papers in Simancas relative to the Indies put into proper condition, when Muñoz arrived at the castle in April, 1781, they were in such hopeless confusion that he decided nothing could be done with them as a whole until they had been separated properly from the mass of other materials and dispatched to the new archives in Seville. The King thereupon approved the general plan, and directed the officials in Simancas to get the papers ready for transmission. Later, in 1784, he appointed Muñoz the head of a commission to superintend a similar work in Cadiz, Seville, the offices of the council of the Indies, and elsewhere. At the same time the commission was ordered to supervise the adaptation of the Casa Lonja to its new uses. Not until 1785 was the first consignment of papers installed in the building. So incomplete were all the subsequent transmissions that tens of thousands of documents relating to the Indies are still to be found in other localities.[a] In spite of the name, therefore, the Archives of the Indies have never attained anything like completion, and thus represent an ideal rather than a fact.[b]

ensuing." In agreement with the prior and consuls of the Tribunal of Commerce representing the merchants, in 1572 the King ordered a "Casa Lonja" or "Exchange" to be built, of which the Crown was to furnish the site, and the merchants themselves were to provide for its construction. The building, modeled more or less on the designs of Juan de Herrera, a famous architect, was begun ten years later, and completed in 1598. The India House was transferred to Cadiz in 1717, and with it departed the exclusive privilege of commerce which Seville had enjoyed with the Indies. Accordingly, at the time Galvez put forward the suggestion the Casa Lonja had long been a practically abandoned building. This circumstance, and the sentimental one that for many years Seville had been the sole emporium of the trade with the Indies, probably account for the idea. In 1778, moreover, commerce with the Indies was declared free to all of the chief Spanish ports, and six years later the consulado, now reduced practically to the proportions of a maritime court, was brought back to Seville. To it the ground floor of the Casa Lonja was assigned, while the second story of the building was reserved for the new Archives of the Indies.

[a] Simancas retains among others the documents relating to the Inquisition in America. The Archivo Historico-Nacional in Madrid is the repository of state papers, and of many sessional reports and minutes (consultas) of the Council of the Indies, registers of royal mandates and warrants (reales cédulas), and other materials. In the Archives of the Indies, further, there is not a single document with the signature of Columbus. For these one must search in the Biblioteca Colombina at Seville, and in the repositories above mentioned.

[b] The successive directors of the Archives have constantly dwelt upon this theme in their reports, and have urged the wisdom and propriety of sending to Seville all the documentation that belongs there. This would include not only the correspondence of colonial officials, civil, military, and ecclesiastical, with the Council of the Indies on topics of local administration and concern, but also those portions of the state papers in the Archivo Historico-Nacional at Madrid, for instance, which comprise the correspondence of colonial officials with the Council of State, so far as they contain important references to the colonies. Of such a consummation, however, the prospect seems remote.

The real object of Charles III in establishing the new repository was governmental in its nature, and his sympathy with the historical considerations occupied a wholly subordinate place. This appears in the instructions issued in October, 1789,[a] regarding the duties of the archivists. Therein it is stated that the King had in mind "the preservation and good arrangement of the papers, in order to assure the rights of the royal patrimony, to enlighten the Government and its tribunals,[b] to protect his subjects in their privileges, to elucidate history, and to minister to various other branches of knowledge useful to human culture in general." Hence, it is easy to understand why the archives of the Indies remained so long an administrative center rather than a repository of historical documents, and why, unlike the other archives of Spain, they did not become wholly public until 1894,[c] when they were incorporated into the archival system of the Kingdom.

As has been said, the Archives of the Indies are located in the Casa Lonja. This is a large, handsome building, although somewhat dwarfed by its proximity to the massive cathedral. A fine patio or court, paved with marble slabs and open to the sky, occupies the center of the building, and around the

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[a] Printed as the Ordenanzas para el Archivo General de Indias, Madrid, 1790.

[b] Just as the Council of Castile virtually governed Spain, so did the Council of the Indies the colonies in America and the Philippines. The latter council exercised at once administrative, legislative, and judicial powers over both state and church. In a country like Spain, so closely attached to tradition, jurisprudence had great strength, and the tribunals, proof against innovation, gave sentence according to precedent. The documents in the Archives of the Indies, therefore, constituted a sort of arsenal in which the Crown could find the proper weapons to defend its rights, and all the information needed to administer its domains according to law and custom. The gathering of the papers in one convenient center, of course, should have been done long before, and in 1785 could have little more than a retrospective value. However, since through the council of the Indies the Crown still kept account of the intercourse with the colonies, and took possession of all intestate estates, for example, any questions of public and private law could still be resolved by aid of the documents in the archives. Cf. Desdevises du Dezert in the Nouvelles Archives des Missions, etc., VI, p. 614. Even to-day the archives of the Indies are often of great practical value for the determination of boundary disputes and other concerns of the states that were formerly Spanish colonies.

[c] The opportunities allowed by the Ordenanzas for historical research were far from liberal. It was provided (pp. 43–44) that "if any interested parties, whether corporations or private persons, needing any documents to fix their rights, ennoble their families, or for any other honest purpose, should make written application to the archivist setting forth their motives, search would be made and notification given as to the existence of the papers in question. Then they might seek through the Ministry of Grace and Justice of the Indies * * * royal permission to obtain the copies or vouchers desired. * * * Otherwise, no one is to be given any copy, voucher, or paper whatsoever, nor is even the existence thereof to be intimated. No person, furthermore, is to be allowed to handle the inventories and indices or be present at their examination, and much less so at the search for, and extraction of, documents of any sort." Although these regulations con-

court runs a series of arcades supported by Doric columns. The ground floor is occupied by the chamber of commerce of Seville and by the board of public works connected with the navigation of the river Guadalquivir. The second floor, which is given over to the archives, contains a general work room, the director's office, and two sets of long galleries separated by archways, and facing, the one the street, the other the court. On the sides of the galleries, in part at least, are tall, antique wooden cases (estantes) divided into compartments (cajones), which in turn are filled with the bundles of papers (legajos). Of the last named there are now about 40,000 in the archives. They represent perhaps two or three hundred times as many individual documents, ranging in date from the discovery of America to approximately 1840, although the papers dated since the beginning of the nineteenth century are relatively few. In the work room, into which the visitor is ushered upon entering, there is a convenient collection of works relating to the Spanish Indies. The archives are open during most of the year from 11 a. m. to 4 p. m. (except Saturdays, when they close at 3), and in the summer months usually from 8 a. m. to 12 m.

The space in the building allotted to the archives, and the equipment for the collocation of the papers as well as for safeguards against fire, are entirely inadequate.[a] Thousands of legajos, in fact, lie stacked up along the marble floors of the galleries for the mere want of cases and shelvings, while in a damp cellar-like room on the ground floor is a huge

tinued nominally in effect to 1894, after the other archival centers had become public it was practically not difficult to obtain official permission from the "Ministerio de Ultramar" (Ministry of the Colonies) to use the archives in person, and the various rules were more or less liberally construed.

[a] This lack of space and improvements will be all the more perceptible, of course, as the papers relative to America and the Philippines, which are now in other centers, come drifting into the Archives of the Indies. Successive directors, aided by the criticism of foreign visitors and by public-spirited Spaniards (like the writer in El Imparcial for January 12, 1901), have pleaded with the Spanish Government to oust the present occupants of the lower floor and to grant the needful appropriations for improvements. They have pointed out also that, if to the space thus acquired the central court were provided with a glass roof, the building would not only contain all the Americana extant in Spain but would be one of the finest repositories of the kind in the world. Thus far the passive resistance of the occupants in question has been effective enough to offset whatever feeble movements the Spanish authorities have made in this direction, while the lack of money has been a potent force in preventing the execution of the improvements needed in other respects.

heap of some 2,500 such bundles neglected and in utter confusion.[a]

In general the arrangement of the papers is still that prescribed by the Ordenanzas of 1790, and is so complicated that it calls for some explanation at length.[b] At the outset it must be admitted that the classification is probably as exact as the involved character of Spanish colonial administration and the actual resources at the disposal of the archivists will allow. Hence it is easy to understand why given subjects must be searched for under several headings.[c] Taken as a whole two main divisions of the documents appear, that is to say, as they proceed from the India House (Casa de la Contratacion) or from the Council of the Indies and its multifarious offices. The character and interest of the papers is both historical and administrative. As many separate collections, moreover, have been formed as there were offices and localities that remitted the documents to Seville.[d] The papers of each collection are divided, so far as the nature of the subject will permit, into topographical groups, such as viceroyalties, administrative courts (audiencias) and captain-

[a] These were consignments from Habana in 1887 and 1888, and relate almost exclusively to Louisiana and Florida. They came infested with the *polilla* or paper moth, and accordingly had to be disinfected with gasoline on account of the menace they offered to the other documents in the archives. In their present condition they are not only inaccessible to the student, but are slowly dropping to pieces, the prey of moths, dust, and mildew.

[b] On this matter information, fairly accurate and somewhat more detailed than the limits and object of this article will permit, may be found in the report of Desdevises du Dezert, Nouvelles Archives des Missions, etc., VI, 615, et seq., and also in Villa-amil, Breve Reseña, etc.

[c] For example, the documents relating to Louisiana, Florida, Texas, and other Territories now within the continental domain of the United States, are grouped under the Audiencias of Santo Domingo and Guadalajara, the viceroyalty of Mexico, the captaincy-general of Cuba, etc. See below, p. 177 et seq.

[d] The collections comprise the papers from (1) the accountants' and auditors' department of the Council of the Indies; (2) the India House; (3) Simancas, embracing an immense variety of subjects under the judicial and administrative cognizance of the Council of the Indies; (4) the notarial and clerical department of the same body, in which the matters treated are chiefly judicial; (5) the maritime court and officers of the comptroller of the treasury at Cadiz; (6) the ministry of the colonies (Ministerio de Ultramar), the successor of the Council of the Indies, and (7) the Island of Cuba (cf. above, p. 31, note 1). To this arrangement there are two or three exceptions, based essentially on subject-matter. The first is that of a special collection of papers known as the "Patronato" and owes the name to its location in a room formerly so called, which now serves as the office of the director. It was formed early in the nineteenth century by one of the archivists out of the consignment of papers from Simancas. Its subject-matter is the history of America and the Philippines between 1480 and 1700. The other exceptions are those of the documents pertaining to the postal system (papeles de correos) and some 200 legajos of miscellany called "state papers" (papeles de estado).

cies-general. The documents also, that for any reason do not fall readily into one of these groups, are massed together under the title "miscellaneous" (Yndiferente General). The topographical groups in turn are divided into two branches, secular and ecclesiastical.[a] In the former branch the papers are classified under the sections of administration, war, treasury, and the like; while in the ecclesiastical portion also an attempt is made to arrange the documents according to subject-matter. The order of the individual legajos, and even of the documents they contain, so far as practicable, is chronological.

For the consultation of the papers in the archives there is a series of elaborate, and more or less complete, manuscript inventories and indices of the separate collections. Under ordinary circumstances responsible persons are allowed to use them freely. They are generally arranged in a topographical, chronological, and alphabetical fashion. In the case of the strictly historical papers, with certain exceptions among those dated prior to 1600, the inventories and indices do not pretend to be in any sense a calendar of the individual documents, or even of the individual legajos. Usually the reference is to a legajo or to several of them, the papers of which may deal with a given subject. However, a series of paper slips (papeletas) now under way aims at giving some idea of the subject-matter of each document in the miscellaneous "state papers," and the series is being extended so as to include eventually the other collections.[b]

As in Simancas so in the Archives of the Indies no limitation is placed upon the number of legajos an investigator may have at a time, provided the same be within reason. They are

[a] The secular division contains the acts of administrative authority, the ordinances (autos and bandos) of viceroys, captains-general, and governors, official reports and correspondence, royal mandates and warrants, and the proceedings of municipal councils (cabildos). The ecclesiastical division includes the acts of diocesan authority, and the correspondence of bishops and chapters (cabildos) with the Council of the Indies and the civil officials of the colonies.

[b] The papers in the "Patronato" have their own separate manuscript catalogues worked out in careful detail. Cf. above, p. 166, note [d]. The legajos emanating from the ministry of the colonies contain papers of quite recent date, and are divided into the four groups of Cuba, Porto Rico, the Philippines, and America in general. Within these groups a classification of the documents is being made in accordance with chronology and subject-matter. The 2,500 legajos from Cuba, relating chiefly to Louisiana and Florida, have been already mentioned. Supra, p. 166, note [a]. There is a rough inventory of them prepared by the officials who superintended their shipment from Habana. From the historical standpoint, however, the finest collection in the archives is described in the inventories that relate to the papers of the Council of the Indies, and the various bodies of

supplied in the workroom upon request directed to one of the officials. On the slip of paper accompanying the request must be specified the individual numbers of the estante, cajon, and legajo in which the papers desired are located. The documents themselves, for the most part, are folded out and placed between two heavy slabs of pasteboard which are bound together by a piece of strong tape cross knotted. They are then inclosed within thick wrapping paper and suitably fastened. Many of the bundles also contain crystals of camphor tar as a preservative against injury by climate or insects.

The third great center of materials for the study of American history is the National Historical Archives (Archivo Histórico-Nacional) at Madrid. Not only are its contents relative to the history of the United States as a whole more extensive perhaps than those of the repositories at Simancas and Seville, but the sumptuous modern edifice, which it shares with the national library and museums in the Paseo de Recoletos, offers an extraordinary contrast to the mediæval castles, episcopal palaces, merchants' exchanges, and other renovated structures of bygone times, which serve as historical treasure houses elsewhere in Spain. Its foundation in 1850 was due to the initiative of the Royal Academy of History, which obtained from the Government an order to deposit in its library the documents pertaining to certain suppressed monasteries. Though dignified in 1866 with its present title, and enlarged by consignments of papers relating to the military orders and to various ecclesiastical bodies, the Archivo Histórico-Nacional maintained a somewhat feeble and obscure

administration in America and the Philippines. These inventories appear in three manuscript books, and also in a number of loose sheets. The first of the three volumes lists the older class of documents from Simancas, arranged under the secretariats of New Spain and Peru. The second includes the papers of the seventeenth and eighteenth centuries more especially, divided into as many sections as there were audiencias at the close of the latter century; while the third enumerates the chronological series of miscellaneous documents called the Yndiferente General. At the left of each page are three columns, within which are entered successively the numbers of the estante, cajon, and legajo; in the center appears the subject-matter of the legajo, and on the right the inclusive dates. In the legajo column, also, figures in both ink and pencil are given. The former refer to the number of the legajos that deal with the specific matter under consideration, and the latter to the successive number of the legajos in the cajon. By the new system of classification in sheets, however, now in preparation, which has been copied and expanded from the old volumes, the legajo column shows figures in black ink which indicate the numerical arrangement in the estante or case as a whole, while similarly the figures in red ink denote the number of legajos that deal with a particular subject. At the same time a greater precision in the dates of each legajo is afforded by this new arrangement.

existence in three or four small rooms in the building of the Royal Academy of History till 1896. In that year it suddenly rose to light, space, and usefulness by being transferred to the national library, where it now occupies thirteen rooms on the second floor of the right wing of that building.

Forthwith it began to assume something of the character which its title suggests.[a] From the Archivo General Central at Alcalá de Henares[b] and from various other centers came the immense collection of state papers, properly so called.[c] To them have been added great quantities of documents referring to the former councils of government, including that of the Indies,[d] to the "real patronato" (ecclesiastical powers of of the Crown) in Castile and Aragon, to the Inquisition (especially of Toledo and Valencia), to the military and other orders of knighthood, as well as to suppressed ecclesiastical bodies. It contains also an assortment of letters from Jesuits in America and the Philippines. And not only are many of the purely administrative documents sent there, which belong rather in the Archivo General Central, but the Archivo Histórico-Nacional has become the temporary abiding place as well of a multitude of papers from the former Ministry of the Colonies (Ministerio de Ultramar), dealing with Cuba, Porto Rico, and the Philippines, more especially in the nineteenth century.[e] Altogether it contains nearly as many documents as Simancas, but despite its size the repository belies its name of "national historical archives," and, even more

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[a] A summary of the thirteen sections into which the archives are divided will be found in Vignau, El Archivo Histórico-Nacional, p. 65, et seq. Much information on the archives, further, has been gathered from the Revista de Archivos, etc., Tercera Epoca, II, 464; III, 47, 64, 383, 468; IV, 373, 572; V, 826; and from a manuscript report of D. Vicente Vignau, the present director, to the managing board of the official body of archivists, March 29, 1900. See also the general bibliography below, p. 181.

[b] This huge repository is located in a former palace of the archbishops of Toledo in the famous old town, once the seat of the Universidad Complutense (now the University of Madrid), 21 miles from the capital. It was founded in 1858 as a place of consignment for the vast accumulations of documents in the offices of the Government, which otherwise might have been sold for waste paper. The number of its documents exceeds that in Simancas, but their importance is almost wholly administrative.

[c] On account of its proximity to the ministerial offices, the Archivo Histórico-Nacional is to be the permanent depository of even the more recent documents of this class, provided they are thirty years old at least. They will become accessible to students, of course, when the lapse of time permits their use.

[d] Cf. Revista de Archivos, etc., Tercera Epoca, III, p. 47.

[e] Revista de Archivos, etc., Tercera Epoca, III, 64; IV, 572; V, 826, which mention the receipt of more than 150 tons of them. The papers are classified under geographical headings and subdivided according to departments of administration. If their date is

so than the Archives of the Indies, stands for an ideal. Granted the wisdom of collecting and organizing at the capital of the Kingdom "all the elements that modern science demands to reconstruct on solid foundations the magnificent epopee of Spanish national history,"[a] at present the Archivo Histórico-Nacional is only the chief perhaps of several competitors for that honor, and hence is quite distant from a resemblance to the Archives Nationales in Paris or to the Public Record Office in London.

The archives are open daily from 8 to 2, except in July, August, and September, when the hours are changed from 7 to 1. Unlike the situation at Simancas and Seville, a rather bureaucratic atmosphere pervades the Archivo Histórico-Nacional, and the student will find that the regulations governing the consultation of inventories and the use of papers are more strictly enforced. The workroom, like that of the Archives of the Indies, is also the library. In addition to books on history and government,[b] it contains large wooden boxes shaped like ledgers in which old parchments are preserved. Similar to the arrangements at Simancas and Seville, the bulk of the documents in the archives are inclosed in legajos and placed in wooden cases or racks. Nor is there any marked difference in the order of the legajos or of the papers within them, or in the system of classification shown by the manuscript inventories, indices, and paper slips (papeletas). Catalogues of certain documents, however, pertaining to the orders of knighthood, the Inquisition, and the conventual establishments have been printed. The series of papeletas is more extensive than in Simancas and Seville. The latter deal with the same kind of documents as the catalogues, and

subsequent to 1850 they are not accessible to the public. Orders were given in May, 1900, to prepare them for eventual transmission to the Archives of the Indies, but two years later the directions were countermanded. Ibid., IV, 380; VI, 414. Many of the financial records, also, and other administrative documents of recent date have been sent to the Archivo General Central at Alcalá. Ibid., V, 358. Hence there seems no immediate prospect of seeing these "papers of the Indies" placed in their rightful depository.

[a] Vignau, op. cit., p. 8.

[b] Useful works of general reference, printed and in manuscript, are the Indice personal del cuerpo diplomático; consejos, hidalguias, títulos de grandeza, y nunciatura apostólica, which is a sort of Almanach de Gotha and diplomatic register, provided with indices of names and dates; and the Cedulario Índico in about forty volumes. The last named is a collection of copies of royal mandates and warrants (reales cédulas) relating to the Indies, and covering in general the period from the sixteenth century to the nineteenth. There is no fixed order, chronological or otherwise, among the copies, and the index of them (Diccionario de gobierno y legislación de Indias) leaves much to be desired.

also with the former councils of government and the state papers.[a]

The documents last named, of course, are those which interest more directly the student of American history. In general they are supposed to be a continuation of the series preserved with similar titles and enumeration at Simancas,[b] and range approximately from 1700 to the middle of the nineteenth century.[c] But the materials in the two repositories unfortunately overlap each other, and often in a confusing manner. It is simply impossible to fix an absolute date of demarcation between the two collections, even on the basis of historical importance. Tentatively, however, it would seem that the state papers in the Archivo Histórico-Nacional relating to the period 1700–1750 and to that after 1789 are the more important, while those in Simancas relating to the period before 1700 and to that between 1750 and 1789 possess the greater value. The original documents also are sometimes in Simancas, while the copies and minutes of them are in the Archivo Histórico-Nacional, or vice versa. Then again the distance between the two centers and the absence of printed and detailed guides to the documents of both render comparison far from easy.

Several other establishments in Madrid contain materials of interest to the student of American history, and merit accordingly a brief description. The first of these is the National Library (Biblioteca Nacional), which, in addition to its printed works,[d] has a number of documents in its division of manuscripts (sección de manuscritos) which concern the United States. It is open daily from 10 to 4. The manuscripts them-

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[a] The papeletas relating to this class of documents have a twofold system of classification. The first set gives the general contents of the consecutively numbered legajos, and the second contains the names of countries and individuals arranged alphabetically.

[b] Cf. above, p. 159.

[c] "Their wealth consists in the correspondence, official, private, and reserved, of the Bourbon kings with their relatives, courtiers, and ministers, their instructions to ambassadors, negotiations and conventions with foreign courts, treaties of peace, and reports and proceedings of the Council of State." Vignau, op. cit., p. 35. To this description should be added the detail of the correspondence of the colonial officials with the Council of State on matters of an international character. But, as already intimated (supra, p. 27, note 2), the line of distinction between this class of correspondence and that carried on with the Council of the Indies is often difficult to draw.

[d] The regulations for the use of the books in the National Library are so peculiar that a few words of explanation seem advisable. In the first place, no more than three books may be called for at a time, and then not more than two by the same author. If more are desired, application must be made to the chief librarian, who may grant the privilege of study in a special room. Upon entering the library the reader must obtain from the

selves are located on the floor below the Archivo Histórico-Nacional, and permission to use them is freely granted upon application to the head of this department. Most of the papers are bound in convenient form, and the regulations governing their use are similar to those in force in the Archivo Histórico-Nacional.

The library of the Royal Academy of History (Real Academia de la Historia) also has quite a good many documents relating to the United States scattered through its four or five great collections of Americana.[a] It is situated in the Calle Leon 21, and is open to the public daily from 12 to 4.

The Museum and Library of the Colonies (Museo-Biblioteca de Ultramar), the third of these establishments, is located in the public park of Madrid known as the "Buen Retiro." The small library is accessible to the public from 10 to 4, except in summer, when the hours are 7 to 10 and 4 to 7. Aside from its books relating to the former Spanish colonies, the library possesses a considerable number of manuscripts that concern Louisiana and the Philippines. For their use one may consult the printed catalogue and the series of papeletas which record the more recent additions.

The last institution to be mentioned is the Hydrographic Depository[b] (Depósito Hidrográfico), situated in the Calle Alcalá, 56. Being a department of the ministry of marine, permission to work there must be sought through the agency of the American minister from the "Archivero-Bibliotecario

porter a printed slip and a numbered brass clip called a "contraseña." The slip has then to be filled out and handed to an attendant in the catalogue room adjoining. Since no catalogue accessible to the public exists, the attendant will ascertain whether the book sought is in the library, and if so, will enter the shelf number on the slip. The applicant must then go to the desk in the general reading room and present the brass clip and the printed slip to an official, who will hand him a numbered slip in exchange for the former. After the book has been returned to the desk, the brass clip must be secured again and handed to the porter on leaving the library.

[a] The collections are those of Muñoz in 145 volumes, Mata Linares in 123, García Figueroa in 32, and Boturini also in 32. All are provided with general indices, of which that of Boturini appears in the form of papeletas. The documents brought together by Muñoz and Mata Linares relate to Spanish America as a whole. Those of the latter in general cover the eighteenth century and the beginning of the nineteenth. The two formed the stores upon which Navarrete drew in his Colección de Viages, etc. The documents of García Figueroa and Boturini deal more especially with the viceroyalty of Mexico. Some 225 volumes of Jesuit correspondence might also be mentioned.

[b] It was established in 1797, and began its mission in 1801. According to the official circular its object is the "construction, engraving and publication of maritime maps and plans, as well as the compilement of charts, light-house books, and instructions to mariners." Navarrete used its materials extensively in his Coleccion de Viages, etc.

de la Dirección de Hidrografía." It contains an extraordinary accumulation of maps, charts, memorials, and miscellaneous papers, for the most part, naturally, of a geographical character. A series of paper slips, arranged by dates and subjects, relates to the documents and printed works on cartography and hydrography as such. Unfortunately nothing exists in the shape of an inventory or catalogue that will furnish a definite clue to the materials possessing only a historical, and not a present and practical value. Indeed, the officials in the depository evince no interest whatever in the older class of maps and documents. Once the student has persuaded an official to grant him the use of a desk, he is literally turned loose among the portfolios and stacks and left to rummage as he sees fit. Only personal research, long and painstaking, therefore, can determine the precise importance of the Hydrographic Depository for the history of the United States.

II.

DOCUMENTARY MATERIAL RELATING TO THE UNITED STATES.

The account that now follows of the character and location of the manuscripts in the Spanish archives, which concern the history of the United States in its broader as well as in its narrower aspects, is designed to be entirely general in its scope. The stated purpose of this article[a] and considerations of space make the description given necessarily an indicator, rather than a formal catalogue, of the documents.

1. THE UNITED STATES IN GENERAL.[b]

The documents that bear upon the participation of Spain in the war of the American Revolution[c] are to be found in all three of the repositories above described. Both Simancas and

[a] Supra, p. 148.

[b] Many of the collections of documents described in the succeeding sections, and notably the papers that concern Louisiana and Florida, have a pronounced importance, of course, for the general history of the United States.

[c] The impression gathered from the statement in Winsor (Narrative and Critical History of America, VIII, p. 468) is that in 1854 Jared Sparks procured from the Spanish archives the complete correspondence of the Spanish diplomats and agents at the time of the Revolution, so far as it had any connection with that struggle. A brief catalogue of the Sparks manuscripts, which include the copies of this correspondence, is given in the Bibliographical Contributions, No. 22, of the Harvard University Library. As a matter of fact, however, the amount collected was only a small fraction of the material in the Spanish archives, although it represents undoubtedly the most that Sparks was permitted to gather at the time.

the Archivo Histórico-Nacional[a] contain the correspondence of the Spanish ambassadors at Paris[b] and London, as well as excerpts from that of French and English diplomats and statesmen. The manuscript inventories at Simancas which have to be consulted for this correspondence are the "Inventario manual de los papeles de la primera Secretaría de Estado: Negociado de Francia, y negociado de Inglaterra:" and that of the "Secretaría de Estado: embajada de Inglaterra, siglo XVIII," which is far more elaborate in its specifications. The documents comprise the correspondence, public, private, and reserved, of Aranda and the chargés d'affaires of the embassy at Paris with Grimaldi and Floridablanca from 1773 to 1787, and a series of letter books covering much of the same ground, yet bridging over some important gaps. The papers emanating from the Spanish embassy in England, prior to the outbreak of war between Spain and that country, are found in the correspondence of Escarano, the chargé d'affaires, and of the ambassadors, the Prince of Maserano and the Marquis of Almodóvar, from 1775 to 1780. The letters of Bernardo del Campo, the Spanish ambassador in London after the resumption of diplomatic relations, also contain a number of interesting allusions to the United States.

The materials in Simancas dealing with the general subject of the United States are few when compared with the huge accumulation of state papers[c] in the Archivo Histórico-Nacional at Madrid. Not only do these papers form a rich supplement to what Simancas contains prior to 1789, as has been already observed, but they also continue as a voluminous record of the relations of Spain and the United States till about 1857. The portion relating to the American Revolution in particular comprises the diplomatic correspondence proper, including that between Floridablanca and Vergennes, the proceedings of the Council of State, as well as its dealings with

[a] Cf. supra, p. 171.

[b] See the report of Flammermont "sur les correspondances des agents diplomatiques étrangers en France avant la Revolution," in the Nouvelles Archives des Missions, etc., Vol. VIII, pp. 456–7, 484–6; and that of Baudrillart in the Archives des Missions, etc., Third Series, Vol. XV, p. 29. Both of these compilers give the numbers, dates, and some information about the contents of the legajos in the two repositories, which contain the correspondence of Aranda. Instead of the Archivo General Central at Alcalá de Henares, mentioned as the depository of the state papers, the Archivo Histórico-Nacional at Madrid must be understood. Cf. supra, p. 169.

[c] At times the legajos are so large that besides the number they appear with the letters A, B, C, etc.

the American envoys, Jay and Carmichael, and multifarious documents that concern the course of the war itself.

Then follow the vast collection of papers pertaining to the Spanish legation and consulates in the United States, from the date of their foundation to 1857, and conversely the series of documents setting forth the relations of the American ministers at Madrid with the Spanish Government during approximately the same period of time. In this complex of materials it may be well to mention the sources of what are perhaps the three most interesting episodes in the earlier dealings of Spain with the United States. The first is the correspondence of Gardoqui, which has for its focal point the question as to the navigation of the Mississippi; and the papers of Godoy that serve more especially to elucidate the conduct of Spain in this matter. The career of Martínez de Yrujo, and particularly his connection with the events of the Jeffersonian régime, furnish the second episode. To Martínez du Yrujo, finally, succeed Onis and his tribulations in reference to the territory of Florida.

Aside from the papers relating more properly to what might be called the external history of Louisiana and Florida, the principal documentation in the Archives of the Indies,[a] which bears upon the general history of the United States, is the correspondence of Miralles and Rendon, the Spanish agents resident in Philadelphia between 1778 and 1785, mostly with José de Galvez, the chief minister of the Indies. The miscellaneous "state papers" contain references to the arbitrary action of the United States in regard to Florida, as well as to its dealings with the Spanish-American States while they were in revolt against the mother country. Four portly legajos, also, in the collection known as the "Yndiferente General" deserve a passing mention. The heterogeneous documents they contain emanate chiefly from the Spanish diplomatic and consular officials in the United States, and concern mercantile and commercial affairs for the most part, but have occasional allusions to the political events of the time.

[a] In many instances the allusions to the United States in the three phases of its history, colonial, revolutionary, and national, are mere repetitions of what one may find among the papers of the Archivo Histórico-Nacional, or at Simancas, but the rule is far from absolute.

2. LOUISIANA AND FLORIDA.[a]

The state papers in Simancas which concern this topic begin with the negotiations between France and Spain leading to the cession of Louisiana to the latter in 1762. Several letters, from the Spanish ambassador in England discuss the migratory movements of the Americans after the Revolution, and the consequent danger to the Spanish dominion in Louisiana and Florida. The most important documents in this repository are those emanating from the Ministry of War, and are described in the "Inventario manual de los papeles del archivo de la Secretaría * * * de la Guerra." They deal chiefly with the conquest of Mobile, Pensacola, and the English posts along the Mississippi, the details of the provincial military organization, and with the French and American projects against Louisiana. The last subject alone receives treatment in four manuscript volumes of more than 3,000 closely written pages. A few documents, finally, touch upon the early land speculations along the Yazoo.

In the Archivo Histórico-Nacional the materials relating to Louisiana and Florida are supposed to form a special part of the negociado or official section of the state papers given over to the United States. Hundreds of documents, however, of a purely local importance are scattered through bundles ostensibly dealing with the United States as a whole, with the viceroyalty of Mexico, under the caption of its so-called "internal provinces" (provincias internas), and also with the captaincy-general of Cuba. The materials serve to illustrate the history of the two sections of country from the middle of the eighteenth century to about 1830. They comprise the encroachments of the French colonists from Louisiana on the territory of Mexico, a few side lights on the cession of that province to Spain in 1762, the policy of the Spanish governors during the American Revolution, as well as the dealings of these officials with the Indians then and subsequently; the schemes of adventurers and land speculators; the movements of Western emigration; and the relations

[a] In the Spanish archives these two sections of country are invariably classified together.

more especially of Louisiana with the trans-Appalachian settlements of the United States. The collection embraces the correspondence concerning the cessions of Louisiana to France and to the United States, respectively; the later ascertainment of the boundaries between Louisiana and Florida; the encroachments of the United States on the Florida region itself; and, finally, the sale of the latter to its powerful neighbor. To a less degree the internal history of Louisiana and Florida likewise comes in for a share of treatment.

The Museo-Biblioteca de Ultramar contains three volumes of official miscellany relative to Louisiana collected by Pascual de Gayangos. The volumes are inscribed "Papeles relativos á la Luisiana española." Many of the documents are copies of papers in the archival centers proper. Two separate manuscripts in the library on the same general subject merit a passing allusion. One of them is an extensive memorial written by Francis Bouligny in 1776, and the other is a curious plan of campaign for the recovery of Louisiana prepared by Henry Macdonnell in 1804.

A few references to the earlier history of Florida are found in the collections of Americana in the library of the Royal Academy of History[a] and among the manuscripts of the National Library.[b]

The main interest of the Archives of the Indies, for the general subject under consideration,[c] lies in its possession of the general correspondence of the colonial officials, secular and ecclesiastical, with the Council of the Indies on matters of local administration and concern.[d] The material contains copious references to the foreign relations, so to speak, of

[a] Notably in the collection of Muñoz: "Índice de la colección de manuscritos pertenecientes á la historia de Indias, que escribía D. Juan Bautista Muñoz," vols. 43 and 93.

[b] The papeletas under the caption "America" should be consulted, and also the work of Gallardo, "Ensayo de una biblioteca española de libros raros y curiosos," II, apéndice, p. 57.

[c] Till the eighteenth century, at least, the Spanish colonies in North America and the Philippines depended to a varying extent upon the viceroyalty of New Spain, as did those of South America upon that of Peru. Hence, at the outset, it is well to call attention to the fact that the multifarious papers relating to the viceroyalty of New Spain, as represented in the different collections of the Archives of the Indies, are apt to have references, quite hopelessly scattered through the thousands of legajos, to Louisiana and Florida, Texas and New Mexico, and California, Porto Rico, and the Philippines.

[d] Cf, supra, p. 164, note a.

Louisiana and Florida, in which the proximity of the United States to these provinces renders that country the most prominent factor.[a] The principal documentation relating to Louisiana and Florida is that embraced within the section called the "Audiencia de Santo Domingo."[b] In general it comprises the correspondence and reports (cartas informes y expedientes) of viceroys, captains-general, governors, and other officials, both secular and ecclesiastical. In it also are the proceedings, decrees, and dispatches (consultas, decretos, y despachos) of audiencias and the Council of the Indies, as well as the orders and warrants (órdenes y cédulas) of the Crown. Military, maritime, and financial affairs, relations with the Indians, the communications of private individuals, and various details in the work of administration complete the list.

Similar classes of papers, though laying greater emphasis on the details of administration, are probably to be found in the 2,500 legajos consigned from Habana to the Archives of the Indies, in 1888.[c] The documents in the many hundreds of legajos emanating from the Audiencia of Mexico[d] and from the captaincy-general of Cuba,[e] are full of occasional references to Louisiana and Florida. So, also, are the state papers as such relating to the Audiencia of Mexico and to that of Santo Domingo. Several legajos, moreover, classed under the title "Yndiferente General," might be mentioned in this connection. Finally, the huge inventories and indices of various other collections contain many allusions to the earlier history of Florida in particular. The documents they

[a] See above, p. 176, note [a].

[b] For this the manuscript "Indice general por audiencias" must be consulted. See above, p. 166, as to the peculiar topographical and administrative arrangement of the papers in the Archives of the Indies.

[c] Cf. above, p. 166, note [a]. Inventario de los documentos procedentes del extinguido[s] gobierno[s] de la Florida occidental [y de la Luisiana], que se hallaban en el archivo general de la isla de Cuba, y se remiten al de Indias, etc.

[d] Cf. above, p. 165, note [a].

[e] "Indice general por audiencias." "Inventario de los papeles remitidos por el Ministerio de Ultramar al Archivo General de Indias [en] el año 1887." The legajos listed in this inventory are placed on the floor of the archives, and hence are numbered consecutively without reference to the collocation by estantes and cajones. Those which deal specifically with Louisiana and Florida consist of "remisiones de caudales y efectos." Legajos 506–513 (1717–1822).

describe are in the section called the "Patronato,"[a] and in those pertaining to the judicial,[b] financial,[c] commercial,[d] and postal[e] administration of the Council of the Indies.

III.

TEXAS, NEW MEXICO, AND CALIFORNIA.

As in the case of Louisiana and Florida, the Spanish archives preserve no clear lines of geographical distinction among the documents that concern the three great divisions of the territory acquired by the United States from Mexico. Under the Spanish colonial régime the entire region formed the northern extension of the viceroyalty of New Spain, and was subject to the jurisdiction of the special Audiencia of Guadalajara. The sources of its history, therefore, must be sought among the papers pertaining to New Spain, and particularly to the tribunal last mentioned. The official correspondence, and other documents among the state papers dealing with the subject in the Archivo Histórico-Nacional, are not very extensive[f] when compared with the abundance of material in the Archives of the Indies. Here the documents grouped under the Audiencia of Guadalajara must be consulted first.[g] Reference may then be made to the state papers,[h] to the "Patronato," and to the documents emanating from the several administrative offices of the Council of the Indies.[i]

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[a] The inventory of this collection is entitled "Inventario analitico de los papeles que vinieron del archivo de Simancas."

[b] "Inventario de los papeles * * * de justicia" and "Inventario de autos de la escribanía de cámara del Consejo de Indias."

[c] "Inventario de los papeles de la contaduria general del Consejo de Indias: Caxa de San Agustin de la Florida."

[d] "Inventario analítico de los papeles * * * de la Contratación de Sevilla."

[e] "Índice é inventarios de los papeles de Correos."

[f] The same can be said of the manuscripts in two legajos of the secretariat of war at Simancas, and of those in the library of the Royal Academy of History and in the National Library. For example, in the former library there are some references to California and New Mexico in the index to the "Colección de Memorias de Nueva España" of García Figueroa, vols. 21–26. Most of them concern Lower California. The few manuscripts in the National Library are described in the papeletas of the section relating to America, and in Gallardo, op. cit. II, apéndice p. 20. Here again the reference is usually to Lower California.

[g] "Indice general por audiencias." Cf. above, p. 179, note [a].

[h] "Papeles de Estado: America en general;" the various legajos arranged under the title of "Audiencia de Guadalajara;" "Audiencia de Méjico."

[i] "Inventario de autos de la escribanía de cámara del Consejo de Indias." Also "Inventario de los papeles de la Contaduría general del Consejo de Indias: Caxa de Guadalajara," Estante 5, Cajones 2–3, numbering 20 legajos (1558–1745).

IV.

PORTO RICO.

Among the papers of the secretariat of war at Simancas there are fourteen legajos of official correspondence and of other material relative to military affairs on this island.[a] The Archivo Histórico-Nacional has upwards of thirty bundles of state papers on the general subject of the insular administration.[b] Naturally the bulk of the documentation concerning Porto Rico is in the Archives of the Indies. It is arranged under the respective headings of the "Audiencia de Santo Domingo,"[c] the "Yndiferente General," the "Ministerio de Ultramar,"[d] the Habana consignment of 1888,[e] the state papers,[f] the "Patronato," and the ministerial offices of the Council of the Indies.[g]

V.

THE PHILIPPINES.

At Simancas the papers of the secretariat of war and those relative to the Molucca Islands and the Inquisition of New Spain contain frequent references to the Philippines.[h] The Archivo Histórico-Nacional also has quite a number of legajos on the subject.[i] But the material in both of these repositories seems insignificant[j] when contrasted with the many hundreds of legajos in the Archives of the Indies. The

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a "Inventario manual de los papeles del archivo de la Secretaría * * * de la Guerra."

b Many other legajos relating to Porto Rico may be found in the recent acquisitions of the Archivo Histórico-Nacional. Cf. above, p. 169.

c "Indice general por audiencias."

d "Cuba y Puerto Rico."

e Cf. above, p. 166, note *a*.

f "Papeles de Estado: Audiencia de Santo Domingo."

g "Inventario de los papeles * * * de justicia," and "Inventario de autos de la escribanía de Cámara del Consejo de Indias: Audiencia de Santo Domingo." Also "Inventario de los papeles de la Contaduría general del Consejo de Indias: Caxa de Puerto Rico."

h Inventory in Díaz Sánchez, Guia de la Villa y Archivo de Simancas, p. 62 et seq.

i As in the case of Porto Rico, the recent acquisitions of Philippine material in the Archivo Histórico-Nacional have not yet been catalogued. Cf. above, p. 169.

j Some allusion ought to be made to the 225 volumes of Jesuit papers in the library of the Royal Academy of History, which contain many letters and accounts of missions in the Philippines. The National Library possesses a few manuscripts relating to the archipelago. See Gallardo, op. cit., II, apéndice, p. 56. The Museo-Biblioteca de Ultramar has about twenty or thirty legajos on the subject. In this connection the fine private collection of manuscripts belonging to the "Compañía general de Tabacos de Filipinas" at Barcelona deserves mention.

collocation of the documents differs in no important respect from that already described under the topics preceding,[a] and hence does not need to be repeated in the text.

VI.

COLLECTIONS OF MAPS.

However large may be the number of maps, charts, plans, and the like in the "Depósito Hidrográfico," which concern the United States and its insular dependencies, in the absence of suitable inventories, or of minute personal research,[b] nothing precise can be known about them.[c] The Archivo Histórico-Nacional has about thirty such maps and plans in its "sección de mapas,"[d] besides many more scattered through the legajos of state papers. Of those in the Archives of the Indies, which have been discovered so far, convenient lists have been printed[e] and the maps thus made easy of reference.

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Of the five great centers of public archives in Spain, namely, those at Simancas, Seville, Madrid, Barcelona, and Alcalá de Henares, it has been observed that the first three contain practically all the documentation bearing upon the history of the United States. The references that follow may be serviceable

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a "Indice general por audiencias: audiencia de Filipinas." "Inventario de los papele remitidos por el Ministerio de Ultramar." "Papeles de Estado." "Patronato": "Inventario de autos de la escribanía de cámara del consejo de Indias." "Inventario de los papeles de la Contaduría general del Consejo de Indias: Caxa de Filipinas." The "Yndiferente General," the papers of the "Casa de la Contratacion," and of course those of the audiencia of Mexico contain numerous allusions to the Philippines. See above, p. 177, note *c*.

b Cf. supra, p. 173.

c Certain correspondence preserved in the secretary's office of the Archives of the Indies gives an approximate idea of the number. According to its description, out of the many maps and plans sent from Seville early in the nineteenth century to the Depósito Hidrográfico and the Ministry of War (which still retain practically all of the consignment), 89 related to Louisiana and Florida; 152 to New Spain and provinces of Texas, New Mexico, and California; 48 to Porto Rico, and 61 to the Philippines. A list of maps, charts, etc., belonging to the Ministry of War has been published by that office under the title "Catálogo general del archivo de mapas, planos y memorias del Depósito de la Guerra," Madrid, 2 v. 1900.

d These include 1 or 2 general maps of North America; 5 of Louisiana; 1 of Florida; 1 "that represents the territory covered by the new settlements of Kentucky, Cumberland and Franklin," and 22 of the Texas, New Mexico, and California region. All of them were drawn in the eighteenth century.

e Torres Lanzas, Relacion descriptiva de los mapas, planos, etc., de México y Floridas existentes en el Archivo General de Indias, 2 v., Seville, 1900. The author has also compiled a similar list relating to the Philippines, which may be found in Retana's Bibliófilo Filipino, III, 443–498.

to the student of American history as guides to the general contents of the several repositories as a whole.

At the outset it must be remarked that there exists no complete description of the Spanish archives, and even of partial descriptions there is nothing in English worthy of the name. The few words in Winsor, Narrative and Critical History of America, II, pp. i ii, are more or less erroneous and misleading, while the account in Bergenroth, Calendar of State Papers, Spanish, 1485–1509, pp. ii–xiv, is too brief and sketchy to afford much information. The latter characteristics are true also of the sections devoted to the archives of Spain by Langlois and Stein in their work Les Archives de l'Histoire de France, Paris, 1891–1893, pp. 695–706, and by Langlois in his Manuel de Bibliographie Historique, Paris, 1904, pp. 473 et seq. There are two or three Spanish treatises that attempt a general survey of the subject, viz, the contribution of Altamira to the Revue Internationale des Archives, Bibliothèques et Musées, I, No. 4, p. 74 (reprinted with additions in his work De Historia y Arte, Madrid, 1898, pp. 57 et seq.); the pamphlet of Martin Arrabal, entitled Archivos Españoles: su Origen y su Historia, Madrid, 1892, and the two volumes published in Madrid, 1882–83, by the official body of Spanish archivists, librarians, and curators, under the title of Anuario del Cuerpo Facultativo de Archiveros, Bibliotecarios y Anticuarios.

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Archives des Missions, etc., vol. 1, p. 216; vol. 2, p. 1; vol. 4, p. 1; vol. 6, pp. 377, 597; and vol. 8, p. 453.

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The preceding article is based upon all of these authorities, upon the personal experience of the author, and upon the information courteously furnished him by the directors and other officials of the archives at Simancas, Seville, and Madrid.

VIII.—THE AMERICAN COLONIAL CHARTER. A STUDY OF ENGLISH ADMINISTRATION IN RELATION THERETO, CHIEFLY AFTER 1688.

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[The Justin Winsor Prize of the American Historical Association was awarded to the author for this monograph.]

THE AMERICAN COLONIAL CHARTER.

By Louise Phelps Kellogg, Ph. D.

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Introduction.

In the study of the American Revolution, and the causes that led to the breaking away of so large a body of colonists from the mother country, attention has chiefly been centered since the heat of the controversy has died away upon the economic aspects of the problem. To the navigation laws and the mercantile system has been traced the underlying irritation that blazed forth into the American revolt. Some

recent studies, however, have tended to show that the damage inflicted upon the American colonies by the policy of trade was not so great as has been assumed, and that the causes for dissatisfaction thereat are scarcely adequate to account for so great a breach. Attention has, therefore, reverted to the governmental and administrative system to discover if the growing democracy of the American colonies found itself hampered and out of relation to the government under which it was developing. The results of these studies have been fruitful in showing, at least, that the colonial dissatisfaction and alienation was not a sudden matter consequent upon the Stamp Act and the increased activity of the English administrators following the French and Indian war; but that its roots lie deeper, and can be traced for the life of at least three generations; and that the administrative system had been felt during that entire period as an irritating factor at enmity with the natural development of colonial life. This study is a contribution to that line of investigation. It takes up the class of colonies not under the direct administration of the English officials—colonies removed from their immediate supervision by the previous grant of charter rights and privileges—and attempts to show, in a somewhat detailed manner and for a limited period, how the English administration pressed upon these granted privileges, asserted the prerogative within their limits, and endeavored entirely to abrogate them by acts of Parliament.[a]

The paper deals with a period in which the activity of the Board of Trade and Plantations proved itself a real factor in American colonial government. This period opens with the creation of the Board of Trade and Plantations, and the navigation act of 1696 that accompanied it—an act imposing new restrictions on governors, and providing for a colonial admiralty court. It closes practically with the reversion of the Carolina governments to the Crown (1719). The method of treatment is not chronological, but, instead, several lines of investigation are separately pursued throughout the period,

[a] Since this monograph was written the able work of Prof. Herbert L. Osgood, The American Colonies in the Seventeenth Century (New York, 1904), has appeared, showing that the proprietary type was the more primitive and rudimentary form of colonial organization, which was being superseded at the close of the seventeenth and beginning of the eighteenth century by the more closely administered royal province. The importance of the transition period, with which this paper deals, is thus thrown into clearer relief.

in order to render more clear the policy of the board, as evinced by its specific acts. After the introductory data furnished by the first chapter, chapter 2 deals with the action of the administration in regard to specific colonies, the attempt to take advantage of every situation, a flaw in the title, disorder in the colonies, an opportunity to purchase, in order to dispose of the charter privileges, and bring the colony in question under the direct control of the Crown. Chapter 3 takes up a different series of actions. It attempts to show that the English administrators took every opportunity to assert the royal prerogative within the limits of the colonies under proprietary or corporation government; that in the matter of the executive, they endeavored to secure control over the governors not appointed by the Crown; that they established courts within colonies, where the right of erecting judicial tribunals had been granted away, and drew over appeals from colonial courts in all the colonies, however administered; finally, that in the matter of legislation, the board of trade tried to establish supervision over the acts of all the legislatures and to assert the right of royal veto. The third line of policy was more direct, and relied upon the newly developed theory of Parliamentary omnipotency. The attempt was several times made to pass an act in Parliament vacating all colonial charters at once. These various bills are discussed in chapter 4—the causes for their introduction and the reasons for their failure set forth in some detail.

Incidentally, the paper attempts to give an idea of the divided responsibility and imperfect workings of the system of English colonial administration. Its methods were cumbrous; there was lack of a direct connection with the colonies, and complete or satisfactory knowledge of their conditions, needs, and desires. A ready ear was lent to complaints against them, and a spirit of general suspicion rather than of cordial cooperation was evinced. The organs of the home government charged with the control of colonial affairs grew less and less efficient. Vexatious delays and disappointments ensued for those who sought redress. The hindrances due to the physical separation, especially the time required to exchange communications, put the entire system out of relation to the needs of colonial life. The feelings of the colonists toward this system are also in a measure revealed. The

conditions of pioneer life in America had begun to transform the character of the colonists and to free them from the domination of English ideas. The vast stretch of new lands, the economic opportunities, the influx of foreign elements had begun by the close of the seventeenth century to produce a democratic spirit in the colonies that asserted itself through the colonial legislature in opposition to the royal agents, and in resistance to English methods of administration. The colonies which were sheltered behind charters showed the most independent spirit. Those under proprietors felt less restrained by their relation to subjects than if they had been directly controlled by the Crown; so that with the progress of the century the position of proprietor grew more difficult, and his relation to the colonists more constantly strained. In the corporation colonies an almost complete system of local independence and self-government grew up, insomuch that Connecticut and Rhode Island maintained their constitutions unchanged after the Revolution, and lived under their charters well into the nineteenth century. The resistance in these colonies, therefore, to interference with their chartered privileges was sturdy, and their opposition to the policy of the Board of Trade was firm. Moreover, the latter body was influenced by the pronounced enemies of the corporations, and if the English administrators regarded these colonies with especial suspicion, the feeling of resentment and opposition toward the board on the part of the colonists verged at times on open hostility. Thus were the seeds sown that ripened into revolution. The English administrative system had proved not only inadequate and ill-adjusted, but even instrumental in alienating from the Crown of England its richest and most valued possessions.

In the preparation of this monograph assistance in the form of encouragement and suggestion has been liberally given. Especial thanks are due to Mr. Hubert Hall, of His Majesty's Public Record Office, London, whose kindness and courtesy are indicative of his interest in American historical research. Acknowledgment is also offered to Professors Frederick J. Turner and Paul S. Reinsch of the University of Wisconsin, to Professor Charles M. Andrews of Bryn Mawr College, and to Professor Charles H. Hull, of Cornell University, for timely criticism and interest.

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Chapter I.

THE INCEPTION AND CONTROL OF ENGLISH COLONIES.

INDIRECT COLONIZATION BY INDIVIDUALS AND CORPORATIONS—CHARTERS AS AUTHORIZATION—CHARTERS BEFORE THE RESTORATION—ROYAL COLONIES BY FORFEITURE AND CONQUEST—POST-RESTORATION GRANTS—SUBINFEUDATION—STUART FORFEITURES—EFFECT OF REVOLUTION OF 1688—PRIVY COUNCIL—BOARD OF TRADE—EXPERIMENTS IN FOUNDING—REESTABLISHMENT—PERSONNEL—POLICY—SECRETARY OF STATE—ADMIRALTY—COMMISSIONERS OF CUSTOMS—COLONIAL AGENTS.

The English Crown has never been a colonizing agency. Its vast colonial empire has been built up partly by private initiative, authorized or unauthorized, and partly by conquest. Of the colonies founded in the New World during the seventeenth century the larger ones were all authorized in some manner. The unauthorized colonies were small and insignificant, either offshoots from the larger or established upon lands previously granted to others. Such were the fishing colonies of Newfoundland and Maine, the trading colonies of New Hampshire and North Carolina, and the agricultural colonies with a religious basis - Plymouth, Rhode Island, Connecticut, and New Haven. Sooner or later all of these unauthorized colonies either lost their separate existence—as Plymouth and the settlements in Maine subjected to Massachusetts Bay, New Haven merged into Connecticut—or else were erected into authorized colonies, as New Hampshire, North Carolina, and Barbados granted to proprietors, Rhode Island and Connecticut given a charter of incorporation. If, therefore, we disregard as temporary the colonies that grew up unauthorized by the English Government—interesting though the type of compact government is which they developed, and persistent though its influence has been upon American local institutions[a]—we may say that English colonization in America was undertaken by two classes of agencies: one, familiar to the merchant class, the corporation for trade and settlement; the other, equally familiar to the landed gentry, the fief or proprietorship. In both cases the means of governmental authorization was a charter.

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[a] See Turner, "Western State making in the Revolutionary era," in American Historical Review, 1895, pp. 266–268.

The first and most natural form of colonial enterprise was due to individual initiative, the desire of some needy noble or daring younger son to carve out for himself an estate on the virgin continent, where land was to be had for the asking. The first form of the colonizing charter, therefore, was a fief, but a fief of a special type, that known as a county palatine, suitable to outlying portions of the kingdom, where the exigencies of defense and protection needed a government almost sovereign, trammeled but little by the central power. Such were the counties palatine of Chester and Durham, and under a charter granting a fief of this type Cabot started forth on his discoveries. In 1598 the palatinate charter was revived for Sir Humphrey Gilbert, who had authority to settle and govern the lands he should discover,[a] and Raleigh's lost colony of Roanoke was a proprietorship in embryo.

As the fief was familiar to the landed proprietors, so was the trading company to the merchants.[b] The earliest company organized in England for the foreign trade grew up in the Low Countries, and had civil and criminal jurisdiction over its own servants. In 1564 it was incorporated under a charter as "The Fellowship of Merchants Adventurers," and its seat was removed to Hamburg. Closely following this model, the Eastland Company (1579) and the Levant or Turkey Company (1581) were incorporated. The East India Company (1600) was established not only for trade, but for "the discovery of lands, isles, territories, dominions, and seigniories unknown, and not before the late adventure by sea or navigation commonly frequented."[c]

The charters of both these colonizing agencies had certain marked characteristics that determined the course of institutional development in America. The term charter (carta) was originally applied to the piece of parchment upon which the instrument was written. In the later Roman Empire and

[a] See Prince Society Publications, Sir Humphrey Gylberte (Boston, 1903), pp. 95–102.

[b] An interesting link between the two classes of charters is that granted to the Earl of Southampton in 1610, establishing a fishing company, but with features of a fief. See "Attempts at Colonizing New England, Merchant Adventurers of Bristol," in Amer. Hist. Rev., July, 1899.

[c] Clause from the charter of the Muscovy Company. Hakluyt, Collection of Early Voyages (London, new ed., 1812), I, 267. The literature on chartered colonies is large. The following are suggestive works: Wallis, "Early colonial constitutions," in Royal Historical Society Transactions, new series, X, 1896; Bonnassieux, Les Grandes Compagnies de Commerce (Paris, 1890); Egerton, Short History of British Colonial Policy (London, 1897).

the Roman Church it gradually came to signify the deed or instrument itself. Introduced into England through ecclesiastical agencies, a charter, by its greater importance, although frequently used interchangeably with deed or patent, soon became differentiated, and was usually concerned with a grant of land, although Magna Charta and charters of pardons remind one that the chief significance of the term was the grant of privileges. Hobbes says, "Charters are donations of the sovereign, and not laws, but exemptions from law."[a]

In the charter of the palatinate fief, the source of government and authority was the proprietor, to whom were granted the jurisdictions, liberties, immunities, regalities, and franchises which were enjoyed by the Bishop of Durham, including the right to grant lands, appoint officers, erect tribunals, establish militia, control the church, incorporate towns, designate ports, and assess customs, in return for which he was to protect the colony, turn over one-fifth of all precious metals discovered, and yield allegiance to the Crown. The form of government, in other words, was to be monarchical, proceeding from the proprietor downward to the colony. The one check upon this almost unlimited authority of the proprietor was the legislative assembly, which he was to constitute "by and with the assent, advice, and approbation of the freemen of said province." Probably this was intended to act in some measure like a county court, and become the means of publication and promulgation of laws, and of assessing taxes; but under the pressure of American social democracy, it developed into an organ of popular expression and the seat of resistance to the proprietor's power. As the chief purpose of the proprietary charter was to found a landed estate, the statute of "quia emptores" was in every case suspended and the proprietor given the power of erecting manors, of selling and alienating lands. The proprietary, therefore, was a vast estate, and the relation between the colonists and the head of the province was complicated, because of this twofold relation as governor and governed, landlord and tenant.

The charters granted to corporations provided for two sorts of government, that of the company itself, with its courts, officers, and freemen; and that for the colony established

[a] Hobbes, Leviathan (ed. of 1839), p. 276.

within their jurisdiction. With regard to the latter the powers of the corporations were even greater than those of proprietors, since each company had full authority to nominate officers for its colony, to ordain its laws, to pardon, govern, and rule all subjects who should adventure there, so that the laws ordained be not "contrarie to the Lawes of this our realm of England."

The charters issued to companies for purposes of trade differ from the proprietary charters issued to create an estate chiefly by the former's regulations for commerce, and by its internal regulations. As far as the English administrators were concerned, the colonies founded by corporations were as far removed from their sphere of action as were those founded by proprietors; the difference between a single proprietor, or a company of proprietors, was not of consequence to the English official. Indeed, several of the later proprietaries were governed by boards for example, Carolina and the Bahamas. The main feature was that the colony, while owing allegiance to the Crown, was removed from its direct jurisdiction by the immunities granted by the charter.[a]

CHARTERS BEFORE THE RESTORATION.

The period of the early Stuarts was one of frequent grants of charters both to corporations and proprietors. For a liberal prince, such as each Stuart wished to seem, nothing was easier than to divide up unknown lands in this lavish fashion. If the enterprise succeeded it redounded to the glory and extension of the monarchy; if it failed, the prince was none the worse. It was a convenient method of rewarding courtiers, paying obligations, and dispensing favors at little or no pecuniary cost. Therefore, when the colonizing era once began, the entire continent of North America and the outlying islands were soon parceled out into fiefs for the noblemen of the court.

In 1623 Lord Baltimore received a grant of a portion of Newfoundland, where he attempted to found the colony of Avalon, as an asylum for Romanists; but the climate proving too bleak for their ardor, he was compensated by a grant of

[a] As an evidence of the attitude of the English administrative office the papers of certain colonies are classified in the Colonial office as "Proprieties," including both corporation and proprietary colonies.

Maryland (1632). Nova Scotia was granted to Sir William Alexander in 1621, and although the French claim to prior occupation was conceded by the Treaty of St. Germain in 1632, Alexander's rights were purchased by the French proprietors. In 1629 Sir Robert Heath, the king's attorney-general, obtained a charter for Carolana (the district south of Virginia); but, the colony failing, he disposed of his patent to the Earl of Arundel. Part of this was afterwards merged in Carolina; but Daniel Cox bought up the southern portion, for which he never obtained royal confirmation. Sir Ferdinando Gorges, chief mover in the Plymouth council, secured a royal charter for his share of the corporation's lands, which he erected into the proprietorship of Maine, and for it established a local government in 1640. That this did not prove to be another large American fief was doubtless due to Gorges's preoccupation with the political troubles in England. The rights of his heirs were purchased by Massachusetts in 1677. The long chain of islands off the Caribbean Sea, on which some small English settlements had been made, were patented to the Earl of Carlisle in 1627.[a] Although the French made good their prior claim to some of the islands, Carlisle instituted a proprietary government for Barbados, which existed until 1663. But two of these fiefs, Maryland and Barbados, developed into permanent colonial governments. For the purpose of colony founding, therefore, the proprietary charter proved less efficacious than the charter organizing a corporation.

In 1606 James I issued a charter which is unique in that it established two councils, not companies, one at London for Virginia, the other at Plymouth for the northern territory in America. Both councils, however, received incorporation by means of later and more adequate patents. That for the London Company was issued in 1609, creating the "Treasurer and Company of Adventurers and Planters of the City of London, for the first colony of Virginia," and giving them

[a] The vacillating policy of Charles I is epitomized in the history of this charter. "The Earl of Marlborough had a prior grant of Barbados. Carlisle compromised with him for an annuity of £300. Later the King granted to the Earl of Montgomery a patent for Trinidad, Tabago, Barbudos, and Fonseca." Carlisle protested, and the latter grant was revoked. The terms of Carlisle's charter are similar to those of Baltimore. Sainsbury, ed., Calendar State Papers, Colonial Series, America and West Indies (London, 1860–1902.) I, 85, 242.

rights of managing the affairs of the company, as well as rights of government for the colony they had planted. In 1612 a third charter enlarged their boundaries by the grant of all islands within 300 leagues of the coast. These were surrendered, however, three years later, upon the incorporation of the Bermuda Company, which had purchased the London Company's rights to the islands.

Under the second, or Plymouth council, a colony had been attempted on the coast of Maine. After its failure the promoters of the enterprise sought and obtained, in 1620, a charter from King James, making them a body corporate by the name of the Council for New England, with full rights of government over the territory between the fortieth and forty-eighth degree of north latitude. The policy of the council for New England was to make two sorts of grants, one to small planters with quit-rent titles, and one with powers of government to those undertaking to plant a large colony. The Plymouth colony secured a patent of the latter kind from the council for New England, but it was never confirmed by the Crown. The Massachusetts Bay Company, more fortunate, secured a royal charter of incorporation in 1629. The council for New England made a second attempt to plant a colony under Robert Gorges in 1623, but its plans for colonies proved abortive and it finally came into disfavor with Parliament. Thereupon several of the incorporators became dissatisfied and withdrew. The company maintained a desultory existence until 1635, when it voluntarily resigned its charter to the King. Still another "Governor and Company" were incorporated the year after that of Massachusetts Bay for the islands of Providence, Henrietta, etc., off the Mosquito coast. The Earl of Warwick was the leader in this enterprise, which maintained a colony for nearly eleven years, when it was expelled by the Spanish. In time this claim led to the title to British Honduras.

The process by which a corporation government developed into a corporation colony was long and complicated.[a] Neither Virginia nor Bermuda attained this type of government. The chief feature of the Virginian colony was the grant of an elective legislature by the officers of the company, while under Puritan control. In Bermuda, the colony also secured

[a] See Osgood, "The corporation as a type of colonial government," Political Science Quarterly, 1896; American Colonies in the Seventeenth Century, pp. 141–370.

a legislature, but was dominated by the company's officials. Only in Massachusetts Bay did the transplantation of the company, and its identification with the colony, develop a commonwealth out of a trading company, and amalgamate the interests of the proprietors and the colony.

The only methods by which English colonies in fact came under the direct administration of the royal officials were either conquest of a colony settled by another power, or the lapse of a charter. Instances of both these occurrences in the early period of American colonization had marked effects upon its later history. The lavish granting of charters came to an end for lack of sovereign power and opportunity.[a] Even before 1640, when this occured, attempts had been made to vacate the charters of both the companies that had founded mainland colonies, not from any hostility to charters themselves, but rather from opposition to the political party whose members were prominent in those corporations. The London Company, as well as that of Massachusetts Bay, was composed of Puritan gentlemen. The leaders of the former being more prominent, and their opposition to the royal policy more marked, it lost its charter first. The courts were ordered to enter a writ of "quo warranto" against the patent of the London Company, and upon its successful prosecution in 1624 the colony of Virginia fell under the direct government of the King as a kind of royal proprietor. The continuance of a legislative assembly in the colony seems not to have been intended. On the contrary, the King wished to rule by an appointive governor and council. But on petition from the colonists the assembly was reinstated[b]—a fact of great importance to American constitutional history. Hereafter there was, from the standpoint of the English administrator, a new type of colonial government, that, namely, under the direct control of the Crown. Nevertheless, no regular organs of colonial administration were yet developed, and the affairs of the royal colonies were an undifferentiated part of the business of the privy council.

The attack on the charter of the northern colony was delayed until 1635, when the "quo warranto" entered against it

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[a] The only charter for government issued by the Parliamentary commission under the Earl of Warwick was that for Providence Plantations in 1643.

[b] Cal. Col. State Papers, I, 73, 76; Brown, First Republic in America (Boston, 1898); Mass. Hist. Colls., 4th series, ix, 89.

narrowly failed of success, and the colony, by judicious neglect, was left to develop its institutions unhindered. The Bermuda Company and the proprietaries were also unmolested for a time.

The heritage of the protectorate and of the growth of the sea power of England, was several colonies added by conquest. Jamaica, the most important of these, remained under military rule until the reign of Charles II; but plans for its organization under civil authority were drawn by the protector's statesmen, and the new King, instead of reversing these, confirmed Cromwell's governor, and instituted an assembly in 1664. The acquisition of New Netherland the same year was an unforseen consequence of the Dutch wars. It formed the connecting link between the northern and southern colonies.

POST-RESTORATION GRANTS.

With the restoration began a new series of lavish grants, both proprietary and corporation. Of all the Stuarts, Charles II was the most lordly dispenser. The newly-conquered New Netherland was granted like a royal appanage to his brother of York, the Carolinas and Bahamas to his favorite courtiers, and Pennsylvania to the powerful Quaker, William Penn. In 1662, also, the outlying colony of Connecticut, an offshoot from Massachusetts Bay, succeeded in securing a royal charter, drawn up by its agent, Winthrop, on the model of that of the mother colony; and the next year the dissenting colony of Rhode Island obtained a similar favor. The corporations thus chartered immediately became commonwealths, because the companies consisted of their own members, resident in the colonies. The companies were created for the purposes of government, and not for trade and adventure; their charters thus differed from all others yet issued, except that of Rhode Island in 1643. In 1663 that portion of the Carlisle grant which covered the Barbados was revoked at the instance of the inhabitants. Thus three colonies—Virginia, Jamaica, and Barbados—lay under the direct control of the Crown. Thenceforward until the last years of Charles II only one event involving chartered colonies need be mentioned. This was the incorporation, in 1670, of the Hudson's Bay Company, a trading concern on the Virginia model formed to exploit the great northland not yet under the dominion of any Christian prince.

The success of the greater proprietary colonies was such that the privy council and later the Board of Trade and Plantations were beset with petitions from persons soliciting the grant of new fiefs. Penn was the last individual, however, who received the grant of governmental powers. But mere proprietary grants were still made. Thus in 1691, Sir John Hoskins obtained one for the islands of Trinidad, Assuncion, and Martin Vaz.[a] But the powers of government were carefully reserved, and the charter bore no resemblance to the earlier fief. A similar proprietary charter was granted in 1722 to the Earl of Montague for St. Lucia and St. Vincent, but the government was to be under the charge of the royal governor at Barbados.[b] In 1718 Sir Robert Montgomery obtained a grant from the proprietors of Carolina for a large tract of land south of that colony. He applied to the Crown for confirmation of his title, with the purpose of founding a new proprietary, to be kown as Azilia. The attorney-general gave an opinion that the powers of government granted to the proprietors of Carolina could not thus be divided and alienated, and the plan came to nothing.[c]

An entirely original grant was that given to Oglethorpe for his eleemosynary scheme in Georgia. The governmental features of this charter were carefully guarded; laws ordained by the trustees for the colony were subject to the royal veto; the appointment of the governor was required to have royal approval; after twenty-one years the province was to revert to the Crown.

Shortly after the French and Indian war, the idea of proprietary colonies was revived for the stretch of land known as the "back country." The proposed colony of Vandalia had many supporters and was about to receive a royal patent when the troubles preliminary to the Revolution began. Just before the Revolution, also, Richard Henderson of North Carolina attempted to found a Kentucky proprietary known as "Transylvania," but the title was merely based on an Indian purchase, and quickly lapsed. These attempts are interesting,

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[a] These islands being in the possession of Spain, the proprietary grant was worthless. Trinidad fell to the British Crown in 1802.

[b] The colony sent out was unsuccessful, and these islands continued under French control until after the peace of Amiens (1802).

[c] B. of T. Papers, Props. Q., 146, 186. The latter paper bears upon the British attempt to colonize at the mouth of the Mississippi. See also Rawlinson Manuscripts (Bodleian Library, Oxford), A, 505:2.

however, as showing that whenever waste lands came within the range of settlement the speculative temper turned at once to the idea of founding a proprietary with the immediate right of government.[a]

SUBINFEUDATION.

The question of succession to the rights of a proprietorship became complicated as time passed. The laws of inheritance provided for the descent of an estate, but some of the proprietors wished to dispose of all or part of their fiefs, and the question of subinfeudation arose. We have seen that the charters suspended the writ of "quia emptores," but the question of what share of the rights and regalities might be disposed of was a troublesome one. The New England council in 1623 divided all its lands into twenty parts, and again, on its dissolution in 1635, it parceled out its vast domain among eight members. Only Gorges succeeded in getting his share confirmed by the Crown; and when the heirs of the New Hampshire portion claimed governmental rights, the English courts decided the case against them, and, in 1679, the territory in question was organized into a fourth royal province.[b] The island of Barbados was leased by the heirs of Carlisle to Lord Willoughby for twenty-one years, with the rights of government included. The English authorities not only acquiesced in Willoughby's governorship, but, upon the revocation of the charter (1663), granted him an indemnity for the seven years of the lease yet to run.[c]

The most noted examples of subinfeudation under a proprietary charter are those of the Jerseys and the three counties on the Delaware. The Duke of York, in 1664, gave a patent for the Jerseys to Lords Carteret and Berkeley, "in as full and ample manner as the same is granted to the said Duke of York." Upon this authorization the proprietors not only assumed the powers of government for themselves, but sold and disposed of the same. The later forfeiture of the proprietary rights in the Jerseys turned largely on the

[a] Turner "Western State Making," Amer. Hist. Rev., 1895; Alden, "New Governments west of the Alleghenies before 1780," in Univ. of Wis. Bulletin, Hist. Series, ii, No. 1 (Madison, 1897). The Vandalia government was a limited proprietary; the officials were to be paid by the company, but appointed by the Crown. Among the other proposals for colonies the corporation idea prevailed; several were to be like Massachusetts or Connecticut.

[b] Cal. Col. State Papers, 1677–80, No. 1045.

[c] This was the origin of the well-known 4½ per cent duty.

legality of their action in putting the province in the market. In spite of the fact that the Duke of York had confirmed the claims of the purchasers they were held to be without governmental rights. Delaware was in like manner indentured to Penn, by the same royal grantor, in 1682, and the proprietor of Pennsylvania had a long struggle over this portion of his vast estate.[a]

Thus we see that the seventeenth century was the great epoch of charter-granting for the purpose of planting colonies. There are two distinct periods. The first, that of the earlier Stuarts, was followed by a brief reaction, during which the charter of the London Company fell, and that of Massachusetts was attacked. No more grants were made until the Restoration, when the second period began. The reaction that followed the second period was much more marked, and attended with much greater results for the history of American institutional growth. It begins with the attack of kings Charles II and James II on the liberal institutions of the English constitution, and continued to influence the administrative policy of the home government even after the revolution of 1688.

STUART FORFEITURES.

Upon the downfall of Shaftsbury and the failure of the exclusion bill in Parliament, Charles II discerned that the centers of the opposition were the boroughs, and that while he could control the parliamentary representation of the shires through the sheriffs the municipalities were intrenched behind their charters. He also perceived that an active center of Puritan theocracy, with a church not affected by the test act, and a magistracy strictly resisting his orders, was protected by the charter of Massachusetts Bay. His attention had been called to the independent attitude of that Commonwealth immediately after his return to the throne by its action in shielding regicides. Before the conquest of New Netherland, therefore, he sent out a commission of four members to adjust the affairs of the colonies. This commission, failing to secure the consent of the Massachusetts authorities to take over appeals, made a report to the King that evoked

[a] See Chapter II, post.

from him a stern rebuke for the recalcitrant colony, and an order to send agents to England to answer for their conduct. The policy of Massachusetts being to temporize, they replied with an address to the King; and the matter rested for ten years. In 1676 the dispute over the Mason and Gorges's claims to the territory north of Massachusetts, over which it was exercising sovereignty, became acrimonious, and it was suggested that Edward Randolph be sent over as a special agent to press the proprietary rights and to report on the condition of the colony. Randolph was received with scant courtesy by the Massachusetts magistrates; his requests and demands were ignored, and his just authority was slighted. Sorely did the colony have cause to rue the enmity of this one man. His was a mind to which system and order seemed the purpose and end of government. To his thought duty and justice consisted in scrupulous conformity to the letter of the law. He had an enthusiasm for the English system of trade, and a consistent policy of making the colonies subserve the prosperity of the mother country. Charters stood in the way of uniformity and vigor in the trade system, as well as of other measures of the English administrative policy. The simplest plan would be to get rid of the charters, when systematic management of the colonies for the benefit of England might be undertaken. Of all the colonies shielded behind charters, Massachusetts had been the most lax and culpable, both with regard to the acts of trade and to the administrative plans of the Government. Since this colony was already in disfavor with the English authorities, it would not be difficult to bring about the revocation of its charter at an early date.[a]

On Randolph's return to England after his first mission his plans were already matured for this purpose, and a series of charges was presented to the privy council and laid before the King.[b] The Massachusetts agents who had been sent over to attend to the Mason and Gorges claims were astounded. They declared that they had no authority to reply to any such charges without consultation with the officers of the colony. Meanwhile Randolph was sent back to Boston as inspector of

[a] In 1684 Randolph wrote, "I have worked nine years to bring the government of Boston to a regulation, and have attended the prosecution of their charter, against which judgment is now entered." Cal. Col. State Papers, 1681–85; 1931.

[b] Cal. Col. State Papers, 1677–1680, 294, 295.

customs for that port. He became involved in difficulties over the enforcement of the regulations for commerce, and was more than ever convinced of the necessity of subduing this haughty colony to the King's immediate rule. On his return to England a second time, in order to prosecute the case against the colony, additional charges were laid. In particular it was asserted that a number of the laws of the colonial legislature were contrary to those of England.[a] Because of the irregularities thus urged against the colony, and its inability to justify itself in the eyes of the King, who had already entered upon his opposition to the charters of the English municipalities, a "quo warranto" was issued against the charter of the company of Massachusetts Bay in 1681, and Randolph was deputed to serve the writ, at the same time being commissioned auditor and surveyor of customs for all the northern district of North America. The case of the colony was desperate. Its agents reported that the only choice lay between voluntary submission and the processes of the courts. The London and Bermuda charters had been vacated by "quo warrantos," and there was no hope that Massachusetts could escape. "It were better," replied the Massachusetts general court, "if we must die, to perish by the hands of others than our own." Voluntary submission being thus rejected, the case was continued in the English courts. The time limit of the writ that Randolph had served having expired on his return, the case was ordered to be entered in chancery, and in default of defense the charter of Massachusetts Bay was vacated by a "scire facias" October 23, 1684.[b]

The case of the Bermuda charter shows how entirely the attitude of a company resident in England corresponded with that of a proprietary, and how completely it contrasted with that of a corporation organized into a colony. The inhabitants of Bermuda themselves made the complaints and entered the charges against the company. The latter had been trying to enforce special trade regulations, requiring all tobacco to be shipped in their own vessels, and fixing the price at which

[a] Cal. Col. State Papers, 1677–1680.

[b] Cal. Col. State Papers, 1680–1685, 1742, 1745, 1762. Palfrey, in his History of New England (Boston, 1858–1890), III, 390, argues at some length the cause of the transfer to chancery. It would seem to have been largely a matter of form in the time required for serving the "quo warranto" writ.

it should be sold. The planters petitioned for redress, and although the company resisted, their charter was annulled at the same time as that of London in 1683.[a]

The ground having thus been cleared for positive reorganization of colonial governments, a plan was discussed in the autumn of 1684 for a united government for all New England, and the governor chosen was Col. Percy Kirk, later of notoriety in suppressing Monmouth's Revolt. He was to be commissioned governor of New Hampshire, which had been organized as a royal province in 1679; of Maine, which had devolved upon the Crown at the dissolution of the Massachusetts charter;[b] of New Plymouth, as "having no legal charter or constitution;" and of the lately reduced province of Massachusetts Bay. The report continues: "Their Lo^ps. doe likewies observe that the Colonys of Rhode Island and Connecticut are governed at present by charters, which are not yet vacated by any Proceedings at Law." The first plan for the government permitted an assembly, which was later stricken out at the express request of the King.[c] Kirk declined to undertake this experiment in autocratic government, and until a governor-general should be chosen Joseph Dudley was commissioned president of the council, with Randolph as secretary.[d]

As the sole hindrance to the consolidation of all New England was furnished by the charters of the two small colonies of Connecticut and Rhode Island, Randolph went out armed with "quo warrantos" to serve upon both. The time limit for serving the writs having elapsed before his arrival in Boston, he endeavored to prevail upon these colonies to offer a voluntary submission to the King. Rhode Island, feeling utterly unable to stand a suit at law, made a humble address to the monarch offering its government to his royal will and pleasure.[e] The neighboring colony pursued a different plan—attempted to gain time by temporizing. The evil day of revocation was thus put off for nearly two years, during which three "quo warrantos" were successively served against the

[a] Cal. Col. State Papers, 1680–1685, 1277.

[b] Ibid, 1955.

[c] Colonial Entry Book, Public Record Office MSS., 108, 21, 35. Cal. Col. State Papers, 1680–1685, 1928. Edward Randolph, Prince Society Publications (Boston, 1898), I, 244–247.

[d] Randolph opposed Kirk's appointment and favored Dudley's. Mass. Hist. Colls., 4th series, VIII, 225; Prince Society, Edward Randolph, IV, 28. Dudley's commission is in Mass. Hist. Colls., 1st series, V, 244, but the date is incorrect; it should be September 27, 1685.

[e] Rhode Island Colonial Records (Providence, 1856–1865), III, 191.

charter and a number of addresses and remonstrances sent to the King. Connecticut's case was complicated by the efforts of Governor Dongan to have this colony annexed to his government of New York, and in instructions to their agent the colony's general court expressed a preference for union with New England, if the integrity of the colony could not be maintained.[a] The newly chosen governor-general, Andros, arrived in Boston December 20, 1686. In the following March he wrote to the secretary of state that "Connecticut has not surrendered, notwithstanding another writ has been served upon them, the significance of His Majesty's pleasure and command to me for them, and their pretended loyalty and readiness to obey."[b] But a letter which the colony had meanwhile sent to the English authorities was construed by them as a submission, and an order in council issued for Andros to take over the government.[c] Thus the process at law against the corporation of Connecticut was suspended. Inscribed on the Colonial Records is this significant entry: "His excellency, S^{r} Edmond Andross Kn^{t}, Capt. Generall & Gov^{r} of his Ma^{ties} Territorie & Dominion in New England, by order from His Ma^{tie}, James the Second, King of England, Scotland, France & Ireland, the 31 of October, 1687, took into his hands the Government of this colony of Conecticott, it being by his Ma^{tie} annexed to the Massachusets and other colonys under his Excelencies Government. Finis."

James II's policy for America was imperial in scope. He, but lately the greatest proprietor, aimed at the abolition of all proprietary governments and the union of all the northern colonies under a single governor-general, with no legislative assemblies to obstruct his course. Partial as he was to William Penn, it was rumored that he intended to confiscate the latter's patent and that of Lord Baltimore as well.[d] As for the Jersey governments and that of Delaware, Randolph, on his triumphant return to America, was furnished with "quo war-

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[a] Colonial Records of Connecticut (Hartford, 1852–1890), III, 222, 227, 352, 356, 368, 376, 379, 380, 463; Prince Society, Edward Randolph, IV, 97.

[b] R. I. Col. Recs., III, 233.

[c] Conn. Col. Recs., III, 222, 463; Mass. Hist. Colls., 4th series, II, 297. The Connecticut authorities claimed that their letter "was never intended for a resignation." See Bulkeley, People's Right to Election or Alteration of Government in Connecticut Argued (Philadelphia, 1689), reprinted in Conn. Hist. Colls. (Hartford, 1860), I, 56–81. Fortunately for the future charter government the resignation was accepted or the process at law would have been completed.

[d] Prince Society, Edward Randolph, IV, 40, 270.

rantos" against them all. In vain the proprietors of the Jerseys argued that they held their charters by James's own deed of grant. The King was inexorable, and thinking submission more feasible than resistance, the East Jersey owners drew up a form of surrender for their government. Their rights to the soil they retained.[a] It was understood that the West Jersey proprietors would follow suit, and a commission was drawn for Andros as governor of New York and the Jerseys April 16, 1688.[b]

Penn's influence with the King was sufficient to save the counties on the Delaware, and a confirmation of his title was drawn, and but awaited the royal signature when the revolution of 1688 began.[c]

It is interesting to speculate upon what would have been the result for American Constitutional history had the Stuart policy of consolidation and centralization been perpetuated. Doubtless some mode of resistance would have been found in America had not the English dissatisfaction broken into open revolt in time to relieve the oppressed colonists. Halifax's famous defense of the Massachusetts constitution—"it was vain to think that a population sprung from English stock and animated by English feelings would long be deprived of English institutions"—was a prophecy soon to be fulfilled. Indications were not wanting of dissatisfaction and revolt throughout the entire length of the colonies. In Barbados the rule of James II was much disliked. Even as Duke of York he had injured the islands through the Royal African Company, of which he was president; after his accession, further taxes on sugar and the importation of political prisoners after the Monmouth revolt had disturbed the well-being of this rich island colony. The disorders in the Carolinas were taxing the proprietor's patience to the utmost. The Protestants of Maryland, alarmed at the reprisals for Coode and Fendall's revolt, arose at the first news of the Prince of Orange's success in England, overthrew the proprietor's government, and excluded Catholics from all share in the government. Even the loyal Virginians were protesting against Effingham's attempt to "lay taxation without representation;" to estab-

[a] Board of Trade Papers, P. R. O. MSS., Proprietus, G., 48. Printed in New Jersey Archives (Newark, 1880–1899), 1st series, II, 26.

[b] New York Colonial Documents (Albany, 1856–1863), III, 537–542.

[c] See chapter ii, post.

lish a governor's veto on legislation, in addition to that of the Crown, and to foist an aristocratic régime upon their representative system.[a] Leisler in New York repeated the exploit of the Prince of Orange, by expelling the King's deputy governor, Nicholson, and seizing the government into his own hands. In Massachusetts the very rumor of the English invasion aroused a Boston mob, Andros and Randolph were made prisoners, and a provisional government was established on the basis of the forfeited charter.[b] The "glorious revolution" was thus heartily accepted in America, and loyalty to the new sovereigns was indisputable.

But the Stuart despotism had left its traces. Charters forfeited by process of law were not restored unchanged. A body of "King's men" had been developed in the colonies, ready to push the prerogative for the benefit that might accrue to themselves. The advantages of a consolidated administration to defend the colonies in war and to enforce the acts of trade had become evident to English eyes. The issue between the English Church and the dissenters of the colonies had been thrown into strong relief. More than this, throughout the whole period of the Restoration an administrative system, guided by able statesmen, had been gaining form and force. The colonies were drawn into the stream of administrative order and control, and the results of their closer relationship to the English executive system were soon manifest. In order to understand the effects of this developed administrative activity upon the charters and upon the colonies under their protection it is necessary to review briefly the origin of the new administrative organs and to learn their relation to colonial control.

THE PRIVY COUNCIL.

The supreme administrative body of the English system of government, so far as the colonies were concerned, was the council of the King, known for many generations as the

[a] Virginia Magazine of History (Richmond, 1894), I, 176; Hening, Statutes at Large of Virginia (New York, 1823).

[b] Andros Tracts, Prince Society Publications (Boston, 1868–1874); Prince Society, Edward Randolph, IV, 266, 268; Mass. Hist. Colls., 4th series, V, 192. It was rumored that Andros was a Papist, and even in the event of the success of the Prince of Orange would attempt to hold New England for the Stuarts.

privy council.[a] The origin of its jurisdiction in colonial affairs has been variously traced, some assigning it to that statute passed in the reign of Henry VII, known as Poynings's law, by which Ireland was definitely subjected to the continual care of the King's council. Others have seen a close analogy between the status of the Channel Islands and that of the colonies "overseas." These islands never were incorporated into the legislative and administrative system of the kingdom, but remained subject only to the jurisdiction of the royal council.[b] The Isle of Man, also, with its own parliament, and an appeal to the King in council, furnishes a strong analogy to the colonial system. But a more probable explanation of the administrative powers of the privy council over the colonies is to be found in its control of trade and in its relations with the great companies of merchant adventurers. The King had long considered the care of commerce as one of the most important functions of his council, and the early records of this body are full of regulations and orders in its behalf. As early as 1547 we find it intervening in the disputes of the company whose headquarters were in Antwerp, and refusing to permit the freemen to retain the governor of their own election.[c] Thus the rights which the council exercised over the government of colonies organized by corporations had a long-established precedent.

The pressure of business before the privy council had early led to the development of the committee system,[d] and the business of the plantations was assigned now to one now to another of these committees, standing or special, until the final organization, in 1696, of the Board of Trade and Plantations differentiated what was in theory a committee of the privy council into a special organ of colonial administration. The judicial functions of the council in hearing appeals from

[a] The first mention of this term that we have noticed is in Walter of Heminburgh's Chronicle (Rolls edition, II, p. 20), when in the reign of Edward I he speaks of an act as "ordinatumque est per regem et secretem consilium."

[b] Pike, Constitutional History of the House of Lords (London, 1894), p. 307; Pownall, Administration of the Colonies (London, 1768, fourth edition).

[c] Dasent (editor), Acts of Privy Council of England (London, 1890–1902, new series), II, pp. 545, 556.

[d] Stubbs, Constitutional History of England (Oxford, 1874-1878), II, p. 257; Acts of Privy Council, III, p. 397.

the colonial courts and taking action thereon were never transferred to the new administrative body, thus the privy council remained throughout the entire period of Amreican colonial history what it is still for the British imperial system, the final and supreme court for colonial appeals.[a]

The privy council kept in its own hands also the right of final decision on the veto of laws passed by the colonial legislatures, permitting the Board of Trade and Plantations only the power of recommending that laws be confirmed or rejected. In its right to grant charters or to issue commissions to the governors of the royal provinces, the privy council possessed the ultimate constitutional authority over all the colonies, which was limited only by the fact that these charters once issued could not be revoked without due process in the courts of the kingdom. Even Parliament, though its powers were not disputed, did not succeed in fact in revoking the charters.[b] In 1764 a decision of the courts in the case of Campbell *v.* Hall held that commissions issued to the governers were in the nature of charters or constitutions, and that the rights therein granted to colonists, such as the right to a local legislature, could not be revoked at the will of the privy council.[c] This decision came too late to affect the destinies of the American colonies. But these commissions had tended to take on a permanent form, and thus defined in some degree the constitution of the colonies under royal control.

The relation of the Board of Trade and Plantations to the privy council depended largely on the activity and efficiency of the board. During the periods of its prominence, its recommendations were generally indorsed without question. But even then political influence and royal favoritism made the final decision somewhat uncertain. Thus it was complained of William Penn that he boasted that he "cared naught for the lords of trade and looked elsewhere for the confirmation of his rights;" and the plans of the boards, and even those of the committee for plantations of the privy council itself were frequently overruled by the King or his secretary of state.

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[a] See Chapter III, post.

[b] See Chapter IV, post.

[c] Clark, Summary of Colonial Law (London, 1834), pp. 199–201.

THE BOARD OF TRADE AND PLANTATIONS.

Throughout the century preceding the American Revolution the Board of Trade and Plantations—definitely established in 1696 and abolished in 1781—was the organ of colonial administration and the official channel of communication between the home government and the local colonial governments. It was always, however, subordinate to the privy council, of which it remained in fact as well as in theory but a committee for information and intelligence; and its function as a means of communication was shared with the secretary of state, to whom colonial communications were frequently made, and who overruled the action of the board at his pleasure.[a]

The Board of Trade and Plantations, as it was commissioned by William III in 1696, was not an absolutely new and untried means of colonial administration. Various experiments in the same direction had been made since the founding of the colonies. As early as 1634, Charles I in his attempt to "govern by council" convoked an extraordinary commission for foreign plantations, chief among whose commissioners was Archbishop Laud.[b] That this was intended as an instrument to extend royal tyranny over the colonies, a glance at the powers granted will show.[c] The power of government over the colonies was defined as the power to "make laws, ordinances, and constitutions concerning either the state public of the said colonies, or utility of private persons and their lands, goods, debts, and successions." It was empowered to remove all governors, to ordain judges and establish courts, to examine and pass upon letters patent, and to provide for the relief and support of the clergy. The disproportion between the powers granted and the results accomplished is an amusing commentary on the discrepancy between legal institutions and their actual working force.[d] The recorded acts of this commission consist chiefly in an abortive attempt to vacate the Massachusetts charter by a "quo warranto"; a proclamation forbidding emigration without their license; and the ex-

[a] The evils of this system of divided administration are clearly set forth by Pownall, Administration of the Colonies (London, 4th ed., 1768).

[b] Cal. Col. State Papers, 1574–1660, 177.

[c] Printed in Hutchinson, History of Massachusetts Bay, 1628 to 1775 (London, 1760–68), I, 502.

[d] There was at this time but one colony (Virginia) directly subject to the Crown.

amination and restoration to Virginia of Governor Harvey, whom the people had deposed and deported.[a]

The dangers to the colonies anticipated from this commission being averted by the struggle between the King and the Parliament, and the consequent deposition of the archbishop, colonial affairs fell into the hands of Parliament. As early as November 24, 1643, a commission for the colonies of eminent parliamentary leaders was appointed, which made Robert, Earl of Warwick, governor in chief of all the plantations in America.

After the King's execution, orders were sent to all the colonies to maintain their present governments until further advices, and as soon as possible a special commission was sent out to subject them to parliamentary control. All the orders in council for this period were signed by the council of state, directing the committee for plantations to conduct colonial affairs. During this entire period there was much experimenting with administrative organs. The Protector established a council of trade, at whose head he placed his heir, Richard.[b] The Dutch "feared [this] would have proved prejudicial to our state; but we are glad to see that it was only nominal, so that we hope in time those of London will forget they were ever merchants."

The conquest of Jamaica (1655) and the organization of its government drew forth "Overtures touching a Councill to bee erected for foreign Plantations."[c] The preamble states that the interest in the plantations is growing, that the customs are increasing, and that therefore it is of the highest importance that a select council should be established for the inspection, care, and regulation of all foreign plantations. The number of the commissioners ought not to be above five or seven, because where they are many "the chiefe things are done and oft times huddled upp by a fewe, and there is seildome that steadiness or perticular care where

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[a] Cal. Col. State Papers, I, 209, 251, 261.

[b] Birch (editor), Collection of the state papers of John Thurloe, esq. (London, 1742), IV, 177.

[c] Egerton MSS. British Museum 2395, fo. 290. Signed, Martin Noell, one of Commissioners for Jamaica, and Thomas Povey. This was drawn up under the Protectorate, and changed for presentation after the Restoration, as "His Majestie" is substituted throughout the document for "His Highness." The handwriting appears to be that of Povey's, who was clerk of the privy council under Charles II.

more are employed than are necessary and proportionable to their busyness." The author suggests, however, that some of the principal officers of state should be added for prestige, and that the persons selected ought "by their Parts, Breeding, or Experience to be proper and adequate to the work." The advantages of such a board are evident; it may regulate and improve what already belongs to England, enhance her reputation in the Indies, dispatch public business with greater efficacy, and be particularly useful if Jamaica is retained. In case of war it can collect assistance from the other colonies "which must hereafter be brought to understand that they are to bee looked upon as united, and embodied, and that their Head and Centre is heere." Proceeding to definite enumeration of duties, the suggestors remark that at the first entrance upon their duties the councilors should write to every governor requiring exact and particular accounts of the state of their affairs and of the nature and constitution of their laws and government, and in "what modell they move;" this to be done not only to get information "but to rouse upp & advertise all Persons intrusted or concerned that His Majestie takes speciall and gracious and vigilant notice of them, and is vigilant for their general good." "This Councill is to apply all prudentiall meanes for the rendering those Dominions usefull to England, and England helpful to them, and that the severall Pieces and Collonies bee drawn and disposed into a *more certaine, civill and uniforme waie of Government; and distribution of publick Justice;* (in which they are at present most scandalously defective) And that such Collonies, as are the Propertie of particular Persons, or of Corporation may be reduced as neare as can bee to the same method and Proportion with the rest; with as little dissatisfaction or Injurie to the Persons concerned as may bee."

The council also should settle a correspondence and be able to give an account every year of the government of each place; of its complaints, wants, and products; of every ship trading there, its lading, and whither consigned, so that the whole may be understood and the balance arranged "that soe each place within itself and all of them being as it were made into one Commonwealth, may by his Majestie bee here governed and regulated accordingly upon Common and equal

Principles." The council should also inquire into the manner in which foreign princes regulate their colonies; it should have a treasury for public defense, for the public service of the colonies, and for paying the expenses of the council. The right to summon merchants and seamen for advice and information should be allowed; and finally one person should be able to represent things to the King and council, prepare papers, receive dispatches, and keep a register.[a] This excellent and comprehensive state paper is on its face a bid for office, and it proved a successful one, since Thomas Povey became the first clerk of the council for plantations in 1660. But it is far more important as an early sketch of a uniform colonial policy to be pursued by an administrative body. In this interesting document are laid down the plans of the permanent Board of Trade and Plantations constituted forty years later.

On the organization of the administration after the Restoration, colonial affairs received fresh attention. A committee for plantation affairs, composed of ten prominent lords, was set off in the privy council on July 4, 1660,[b] and on the 7th of November in the same year a council for trade was erected.[c] Among its instructions was one ordering this council to consider and propound remedies for the inconveniences of English trade, to examine treaties and statutes to that end, concluding with directions to inquire: "How the forrange Plantations may be made more usefull to the Trade and Navigation of this Kingdome."[d] Three weeks later the first council of foreign plantations was appointed, consisting of Clarendon, Lord Chancellor, the Lord Treasurer, and forty-six other privy councilors.[e] In their instructions they were directed to inform themselves of the state of the plantations and procure copies of the grants under which they were settled to correspond with the governors and require accounts of the laws and governments from them to use means for bringing the colonies "into a more certaine, civill and uniforme way of

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[a] Egerton MSS., British Museum, 2395, fo. 276, contains another proposal for a permanent officer or secretary "for want of which there are no records existing."

[b] Cal. Col. State Papers, I, 483. N. Y. Col. Docs., III, 30.

[c] Ibid., 30-32.

[d] Egerton MSS., British Museum, 2395, fo. 268.

[e] Patent Rolls 12 Car., II. N. Y. Col. Docs., III, 32-34.

Government," to investigate the colonial policies of other European states, to secure transportation of noxious and unprofitable persons to the plantations, to propagate the gospel, and to have a general oversight of all matters relating to the plantations.[a] The language employed indicates that the "overtures" of Noell and Povey had been consulted and used. The commissions for these two new councils, one for trade, one for plantations, were renewed as their members were changed.[b]

September 27, 1672, the two boards were united into one, with the Earl of Shaftesbury and Lord Culpepper, as president and vice-president.[c] This marks the advent of Shaftesbury to political power and the appointment of John Locke as secretary of the council.

On the downfall of Shaftesbury this policy was reversed, and the former plan of governing by a committee of the privy council reverted to.[d] The continued government by this committee from 1674 to 1696 may not indicate any distinct change of policy,[e] but it is interesting as an indication of the Stuart method of working through organs under their immediate control, and it is worthy of remark that the despotic action of the later Stuarts in colonial administration had for its organ that old instrument of Stuart oppression, the privy council.

THE REESTABLISHED BOARD.

The overthrow of the last Stuart attempt at despotic rule, and the limitation of the King's prerogative by the sovereignty of the people in Parliament, those momentous consequences of the years 1688 and 1689, worked themselves out slowly in the consciousness of the English people, and it was many years before a consistent and complete set of administrative organs could develop through which the new principles might act. A committee of the privy council continued to exercise

[a] Egerton, Colonial Policy, 75 note, finds a suggestion that a representative system was to be introduced by adding merchants to the council. N. Y. Col. Docs., III, 34-36.

[b] That of the Council of Trade renewed October 20, 1668; October 16, 1669. Patent Rolls 20 and 21 Car., II; Council of Plantations renewed, July 30, 1670; March 20, 1671 (when Duke of York was added). Cal. Col. State Papers, III, 135, 178.

[c] The warrant for the preparation of this commission was signed September 16, 1672; patent passed the great seal, September 27. Cal. Col. State Papers, III, 407.

[d] Commission was revoked December 21, 1674. Patent Rolls, 26 Car. II, 9, No. 7. N. Y. Col. Docs., III, 228.

[e] Doyle, English Colonies in America (New York, 1889), III, 194.

the active powers of government over the colonies during five years after the advent of the Dutch prince to the throne of England.[a] The creation of the new Board of Trade and Plantations was due not so much to the wishes of the official class for a new administrative organ for the colonies as to the desire of the commercial class for an improvement of the trade of the Kingdom. A perusal of the commission issued under the great seal May 15, 1696, clearly indicates the subordination of colonial interests to those of commerce in the minds of the designers of the new body.[b] This is borne out also by the attempt of Parliament in December of the previous year to establish a council of trade whose commissioners were to be chosen by the Parliament. The King opposed the latter part of the plan and ordered his ministers to maintain his prerogative in the matter. In spite of this, the influential Earl of Sunderland declared for it, "which the King took exceedingly ill."[c] The new organ, it is apparent, was forced upon the ministry by the Parliamentary majority.

The new board commissioned by the King's authority[d] was directed to "enquire, examin into and take an Account of the state and condition of the general Trade of England and also of the several particular Trades in all Forreigne parts, and how the same respectively are advanced or decayed, and the causes or occasions thereof; and to enquire into and examine what Trades are or may prove hurtfull, or are or may be made beneficiall to our Kingdom of England, and by what ways and means the profitable and advantageous Trades may be more improved and Extended and such as are hurtfull and prejudiciall rectifyed or discouraged." They were also to consider the subject of manufactures and how new and profitable ones could be introduced; and as a corollary to this work they were to "consider of some proper methods for setting on worke and employing the Poore of Our said Kingdome, and makeing them usefull to the Publick, and thereby easeing Our Subjects of that Burthen." Fisheries were also to be encouraged, and new ones established.

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[a] Appointed February 16, 1689, and consisting of the Lord President, Lord Privy Seal, Lord Stewart, the Earls of Shrewsbury, Bath, and Nottingham, Viscounts Mordaunt and Fauconberg, Sir Henry Capell, Mr. Powle, and Mr. Russell. Privy Council Register 1688–1690, 8.

[b] Printed in N. Y. Col. Docs., IV, 145–148.

[c] Cobbett, Parliamentary History of England (London, 1806), v, 977.

[d] Patent Rolls 7 William III, part 4, No. 7; Board of Trade Papers, Journal A, fo. 1.

It will thus be seen by an examination of the commission that the object was to establish a sort of bureau of commercial and economic specialists, who were both from the theoretical and practical point of view to endeavor to improve the "Trade of Our Kingdom of England upon which the strength & Riches thereof do in a great measure depend." That is, the mercantilists were to have an opportunity and a definite administrative body for the development of their policy. The colonial administration apparently played a secondary and subordinate part in the founding of the new board. Because the colonies were important to commerce the commissioners were likewise to inform themselves "of the present condition of Our respective Plantations as well with regard to the Administration of the Government and Justice in those Places, as in relation to the Commerce thereof. And also to inquire into the Limits, of Soyle and Product of Our severall Plantations and how the same may be improved, and of the best means for easing and securing Our Colonies there and how the same may be rendred most usefull and beneficiall to our said Kingdom of England." In furtherance of this latter design they were to inquire into the possibilities of supplying English ships with naval stores,[a] and how the staples and manufactures of England might best be disposed of in the colonies,[b] and how the colonists were to be diverted from trades and manufactures which would diminish the exports from the mother country.

The administrative work for the colonies was to be limited to examining the usual instructions of the governors; to preparing a yearly report of the governor's actions; to the recommendation of proper persons for governors, deputy governors, or councillors; and to the power to "examin into, and weigh such Acts of the Assemblies of the Plantations respectively as shall from time to time be sent or transmitted hither for Our Approbation." The commissioners were also to consider "what matters may be recommended as fitt to be

[a] See Lord, Industrial Experiments in the British Colonies of North America (Baltimore, 1898, Johns Hopkins University, Studies in History and Political Science, extra volume 17).

[b] Note a report of 1706: "We are humbly of opinion that the wares and merchandises of any sort to be sent from England for the supply of Your Majesty's Plantations ought rather to be recommended to your subjects there by their proper goodness, usefulness, and cheapness than be imposed on them at a fixed price by the power and compulsion of laws." B. of T. Papers, Pl. Gen'l, Entry D, 131.

passed in the Assemblys there; To heare complaints of Oppressions & maleadministrations, in Our Plantations, in order to represent as aforesaid what you in your Discretions shall thinke proper; And also to require an Account of all Monies given for Publick uses by the Assemblies in Our Plantations, and how the same are and have been expended or laid out." As an administrative body, therefore, the newly erected board of commissioners was a means for obtaining information and preparing advice for the direct action of the King in council. In this fact lies the secret of its impotence and the cause for the failure of every complete and systematic line of policy which it attempted to carry out. Compared with the earlier commission under Charles I, with the Parliamentary committee of 1643, and with the council of Charles II, the powers of the Board of Trade and Plantations under William III show a progress in definiteness and differentiation of the organs of colonial government, a greater knowledge of the processes at work upon the other side of the ocean, and a more patent determination to exploit the colonies for the benefit of England. But on the other hand they indicate an unwillingness to render the colonial administration independent of the control of the Crown and of its chief ministers.[a]

Constituted in this manner, the Board of Trade and Plantations assembled for its first session in Whitehall June 25, 1696.[b] William Popple was appointed secretary, a position which he held for life and bequeathed to his descendants. The board was to hold three meetings a week, and Sir Christopher Wren was desired to prepare rooms for its use.

The method of business was as follows: The secretary presented the matters for consideration in the shape of communications from the colonies (that is, letters from the governors; petitions of the colonists, or of merchants residing in England); communications from the privy council or from the secretaries of state, referred to the consideration of the board; petitions or letters requesting nominations for colonial offices; or communications from the commissioners of customs or of the Admiralty asking for information and advice in matters pertaining to their respective departments. The quorum for

[a] Compare this with the final clause of the Commission of 1660, whereby the commissioners are empowered to request an extension of powers if they deem it necessary.

[b] B. of T. Papers, Journal A.

the transaction of business was at first 5, but shortly after it was reduced to 4. In search of information the board issued summons to appear before them to merchants, colonial officials, and any persons knowing the conditions of the colonies.[a] In matters of legal and constitutional difficulty the advice of the attorney-general and of the solicitor-general (either one or both) was resorted to. The need of legal advice became so constant that in 1718 a special counsel was appointed, who advised the board in regard to matters not considered of sufficient importance to require the opinion of the high officers of the Crown.[b] After any matter before the board had been thoroughly canvassed and discussed the secretary drew up the opinions and conclusions of the board in the form of a "representation to His Majesty in council." This was signed by the members present and forwarded to the privy council. All routine business was there approved at once and an "order in council" issued for the execution of the affair. A copy of such orders was sent to the Board of Trade and Plantations and filed with their papers. In matters of importance—recommendations of a change in policy or of unusual measure in regard to colonial administration—the proposal of the board was frequently reversed in the King's council and the plans of the board thus brought to naught. The connection with Parliament was slight at first, only occasional requests for papers and information coming before the board, but after the Hanoverian succession and the dominance of the Parliamentarian idea the board was frequently requested to furnish complete accounts of the state of the colonies for the information of the legislative body.

This cumbrous and complicated system of reference, and the lack of authority on the part of the board are thus summarized in a representation of 1721.[c] "The present method of dispatching business is lyable to much delay and confusion, there being no less than three different ways of proceeding herein; that is to say (1) by immediate application to Your Majesty by one of Your Secretaries of State (2) by Petition to Your Majesty in Council and (3) by Representation to

[a] Their commission gave them power to examine witnesses upon oath, but they do not appear to have utilized this, the testimony being optional and informal.

[b] B. of T. Papers, Journal T, April 21, 1718. See account in Chalmers's Opinions of Eminent Lawyers (London, 1858), preface.

[c] Ibid., Pl. Genl., Entry E, 286 ff.

Your Majesty from this Board: from whence it happens that no one Office is thro'ly informed of all matters relating to the Plantations, and sometimes Orders are obtained by surprize, disadvantageous to Your Majesty's service; whereas if the Business of the Plantations were wholly confined to one Office, these inconveniences would be thereby avoided." No change, however, was made in this system and the board became less and less a factor in colonial administration, until the time of Lord Halifax, who became president in 1748, and whose aim was to render his office independent of the secretary of state. He obtained an agreement (1751) that the patronage and correspondence of the colonies should be vested in the board alone; and in 1757, as president of this organization[a] he was himself included in the cabinet. The continuance of this arrangement depended chiefly on the influence of the person who headed the board. In 1768 it was definitely abolished, a third secretary of state with a cabinet portfolio being appointed for the colonies and made an ex officio member of the Board of Trade and Plantations.[b] The result was to reduce that body to a "mere board of report upon reference to it for advice or information"[c] on the part of the secretary, and a new commission was made out to that effect. From this time on the board sank more and more into insignificance until it finally went down under the ridicule of Burke in 1781; and Gibbon, who was a member, could say "The lords of trade blushed at their inefficiency, and Mr. Eden's appeal to our twenty-five hundred volumes of reports served only to excite a general laugh."

THE PERSONNEL OF THE BOARD.

The commission establishing a permanent Board of Trade and Plantations declared that it should be composed of the following great officers of state: The chancellor, president of privy council, lord treasurer, the lord high admiral, and the two secretaries of state. But these officers were ex-officio members; the active members of the board were eight in number (reduced to seven in 1708), presided over by a great nobleman of the prevailing political party. During the reigns of

[a] Fitzmaurice, Life of William, Earl of Shelburne, * * * with extracts from his papers and correspondence, 1737–66 (London, 1875–76), I, 240, 241.

[b] Ibid., II, 2, 3. N. Y. Col. Docs., VIII, 7.

[c] Life of Shelburne, II, 8.

the Orange-Stuarts the change in the president and usually the second member of the board, who were of the government nobility, followed the fluctuations of party rule. The first president, the Earl of Bridgewater, and his companion, the Earl of Tankerville, were prominent Whigs, brought into power with the first Whig ministry. Lord Stanford, the second president (1699), was a rigid Whig who had found favor under William III, but was deprived of all office by Anne, until with the return of the Whigs in 1707, he was again made president, and held the office until superseded by the Tory Earl of Winchilsea in 1711. The third president, Lord Dartmouth, 1702–1707, was a vigorous Tory who, although deposed from the presidency in 1707, retained his place on the board until he became head of the ministry that brought about the downfall of Marlborough and Godolphin (1711). At the decease of the Earl of Winchilsea in 1713, the second member, Lord Guilford, son of the Stuart chancellor of that title, took his place. At the Hanoverian succession an entirely new board was formed. It was presided over first by Lord Berkeley of Stratton for about six months; then by the Earl of Suffolk and Binden, 1715–1718; followed by the Earl of Holdemess, 1718–19. After this changes were comparatively few. The Earl of Westmoreland presided from 1719 to 1735; the Earl of Fitzwalter, 1735–1737; and Lord Monson from 1737 to 1748, when the Earl of Halifax was given the presidency. He was succeeded by Sandys in 1761. Charles Townshend and Lord Shelburne followed in rapid succession. Lord Hillsborough became president from 1766 to 1772, and was succeeded by Lord Dartmouth, who held office until the American Revolution.

But while the fortunes of the presiding officer varied with the rise and fall of political ministries, the active working members of the board were seldom changed for such reasons. The first Board of Trade and Plantations was an interesting assembly of experts. Three of the members were diplomats of long experience, and three others noted writers on philosophical, scientific, and economic subjects. Sir Philip Meadows, who served the board faithfully for eighteen years, had succeeded Milton as Latin secretary to Cromwell's council; and during his retirement, under the Restoration, had published a work entitled "Observations Concerning Dominion and

Sovereignty of the Seas." William Blaithwait, who had been Sir William Temple's secretary at The Hague, was a prime favorite of William III, and because of his linguistic skill accompanied the King on one or more campaigns. He was an active member of the board for eleven years after its organization.[a] John Methuen, later lord chancellor of Ireland and ambassador to Portugal, was replaced in 1697 by George Stepney, who, as a poet as well as diplomat, was considered worthy of a final resting place in Westminister Abbey. Although he was often absent on diplomatic matters, Stepney's knowledge of foreign affairs made him a valuable councillor, and in more than one instance he gave direction to the board's policy. Like Blaithwait, he was a member for eleven years. But men of theory as well as of practice were deemed necessary to the exercise of the functions of the new administrative organ. Chief among these was Locke, whose age permitted him to serve but four years, but whose mental vigor made him the most energetic member during his brief tenure of office. He was peculiarly adapted to a place on the new commission, not only because of his valuable political and economic knowledge, but because of his especial interest in the colonies. As secretary to the Carolina proprietors (1669–1672) he drew up the Carolina constitutions and thought strongly of visiting America; he had also been a member of the first council of trade (1672–1674). Associated with him was John Pollexfen, a merchant and economic writer, who shortly after his appointment to office had published a "Discourse of Trade, Coyn, and Paper Credit,"[b] in which he considered labor as the sole source of wealth, and that national wealth depends on the proportion between "those that depend to have their riches and necessaries from the sweat and labor of others, and those that labor to provide those things." He was a foe of the East India Company and opposed to monopoly. Abraham Hill, the remaining commissioner, was chiefly known as a man of science and an honored member of the Royal Society.[c]

[a] Blaithwait had been a prominent member of the committee of trade and plantations before the revolution, and was the patron of Randolph. Much of the policy of the new board of trade and plantations is to be traced to his agency.

[b] London, 1697.

[c] His official memoranda as commissioner of trade are in Additional MSS. British Museum, 2902.

The first Board of Trade and Plantations thus constituted was by no means inactive. It was made up of men accustomed to administration and would seem to have been adapted to bring about immediate and needed reforms in colonial administration. The vigor of the first board and the notable character of the men who composed it stand in marked contrast to its later insignificance. Signs of deterioration appeared under Queen Anne, when several nobodies with great family names took the place of men of personal ability. Under the Georges, the Board of Trade and Plantations became a safe sinecure for needy members of leading families or for retired and worn-out politicians.[a] Martin Bladen, a soldier who had served under Marlborough, was made a member of the board in 1717. Until his death in 1746, he was the most vigorous of the colonial administrators, and it is said that so complete a sinecure had the position in this office become, that he was known as "Trade," because he applied himself to business, while his colleagues were known collectively as the "Board." The lack of care in keeping the records, the languor of the debates, the lapse of time between the meetings—all indicate the deterioration of the board's administration in the early Hanoverian period. This was recognized as early as 1715, when complaints were made that matters were kept too long under consideration and that persons were included in the commission "for different reasons than their ability to discharge such a trust."[b] During the first twenty years of George II's reign not only were the records badly kept but few matters of importance came before the board. Its functions were largely superseded by the committee of the privy council. Its members attended languidly, never more than two or three being present at its sessions. Under Halifax's vigorous administration a measure of energy was restored, but even then the attendance was small, and the board was swayed by the president, who was of the ruling party and changed with the shifting ministries. During Hanoverian times the most noted members, aside from the presidents, were Joseph Addison, 1715; Thomas Pelham, father and son; Daniel Pulteney, brother-in-law of the Duke of Sunderland; Charles Townshend, member in 1749, later president; and Edward Gibbon, the historian.

[a] See Horace Walpole, Memoirs. (London, 2d ed., 1847.)
[b] B. of T. Papers, Pl. Genl., K, 39.

THE POLICY OF THE BOARD OF TRADE.

The commissioners of trade and plantations came to their work with zeal and enthusiasm, and attempted to institute and carry out a policy for the administration of the colonies which was both consistent and definite. Stated in brief, it was in the language of Povey's "Overtures," that the colonies "must hereafter be brought to understand that they are to be looked upon as united and embodied, and that their Head and Centre is Heere." This was no new ideal in colonial policy. Charles I had a "full resolution" that "there maie be one uniforme Course of Government in and through our whole Monarchie," including the newly established "Collonie of Virginia;"[a] and the first council for trade and plantations was instructed to inquire into the distant dominions of foreign states "and to examine by what conduct and policies they govern or benefit them." Aside from the Spanish and Portuguese colonies, whose mismanagement all intelligent administrators would certainly seek to avoid, the two nations that had successful colonial policies were the Dutch and the French. One can not doubt that the policy of the Dutch had much influence during the seventeenth century. The commercialism of Dutch administration found its counterpart not only in the formation of English trading companies, and in the large governmental powers given them, but also in the advent of the commercial system of exploiting the colonies for the benefit of the mother country, which reached its culmination in England under the Dutch prince, William III. The Dutch, on the other hand, were not administrators. They settled in their colonies in but small numbers, and left the control of the colonial system wholly in the hands of the large companies of merchants. The French, moreover, were the dominant people of the age. Although England and William III were engaged in breaking down that dominance, yet it is hardly to be supposed that the statesmen of that day would escape the general admiration for French methods, or fail to see the advantages of the French system of colonial administration, which was then at its best, and was making headway against the disunited, slightly governed English colonies. The French ideal of a paternally governed, unitedly administered colonial state was the type

[a] Hazard, Historical Collections (Phila., 1792–94), 1, 203.

of colonial government most in vogue and apparently most successful.[a]

In a French treatise of the early eighteenth century,[b] after comparing to their great disadvantage the license, independence, disobedience, and disorders of the English colonies in America with those under French control, the author says: "On admire à Londres la policie de nos colonies. Il vient de paraître un livre où elle est totalement detaillée, malgré le fait que y est repondu sur l'objet et les epithetes injurieuses dont on surcharge nos desseins, les plus grands louanges sont prodiguées aux moyens que nous employons pour les faire reussir. Ceux qui sont à la tête de nos etablissements en Amérique sont toujours les maîtres d'obéir, les vues de notre Cour sont toujours uniformes, ses ordres toujours suivis. Elle est exactement informée de ce qui se passe, le Gouvernement de toutes nos colonies est le même, elles ne font qu'un seul corps. Elles ne sont point jalouses l'une de l'autre et se secourent mutuellement dès qu'elles en ont besoin." This ideal of uniformity and unity in colonial administration could not fail to impress a body of men, brought face to face with the practical problems of governing scattered, disunited, heterogeneous, and often recalcitrant colonies. The report of 1721 but reiterates numerous previous recommendations when it declares[c] that "The most effectual way to execute all and render the several provinces mutually subservient will be to put the whole under the government of one lord lieutenant or captain-general from whom all governors shall receive orders in all cases, who should have two councillors from each plantation, and a fixed salary independent of the pleasure of the inhabitants." Such, then, was the policy of the board of trade in the days of its vigor, and indeed throughout the period when it may be said to have had a policy at all, to reduce the colonial governments to one uniform type, to render them dependent upon England administratively as well as economically, to govern them as a whole instead of as separate provinces. What means they took to put this plan into

[a] The French system was the model upon which the Andros government was planned. Some of the same administrators composed the first Board of Trade and Plantations. See Mass. Hist. Colls., 4th series, IX, 89.

[b] Les Archives du Département des Affaires Étrangères, Paris. Mémoires et Documents d'Amérique, Tome 22.

[c] Kings MSS., British Museum, No. 205; B. of T., Papers, Pl. Genl., Entry E, 286 ff.

execution, how far they succeeded, and why they ultimately failed, it is the province of this paper to show. What the results might have been had they succeeded is pure speculation. But it will certainly be conceded that in that event the vigor, variety, and vitality of American local government would have been stifled, the process of its adaptation to the conditions of American life would have been checked, and the emerging form of national government would have been less democratic, less American, more bureaucratic and more completely centralized.

THE SECRETARY OF STATE.

The authority of the Board of Trade and Plantations and its administrative relation to the colonies were subordinate to those of the secretary of state for the southern department, who had home and Irish affairs, as well as those of the colonies, under his control. He appointed colonial governors and other royal officers in the colonies, directed military operations therein, received and considered petitions from colonists, carried on correspondence with the governors—was, in short, the final and ultimate source of royal government, the representative toward the colonies of the Crown's prerogative. The relation between this official and the Board of Trade and Plantations rested upon his personal consideration for that body. The acts of the colonial legislatures were required to be submitted to the board, but in other matters the courtesy or choice of the secretary and customary usage governed his action. In the times of the board's vigor almost every colonial matter of importance was referred to it by the secretary. But in case of conflict of opinion the latter's will prevailed. It has already been shown how this neutralized the action of the board and prevented the carrying out of a definite policy of colonial administration. In 1752 the board procured an "order in council" directing that in the future governors should correspond with it alone, except in cases requiring His Majesty's immediate direction, such as affairs with any foreign colony or State or those concerning war.[a] But this order was dropped in 1763 and completely reversed in 1766.[b] On the

[a] Printed in N. Y. Col. Docs., VI, 753, 754.
[b] Ibid., VII, 848.

appointment of a secretary of state for the colonies in 1768 all colonial business passed into his hands. The proposal for a third secretary was a sign both of the aroused interest in the colonies, and a determination to centralize and fix the responsibility in their affairs directly in the hands of an officer responsible to the King.

COMMISSIONERS OF CUSTOMS.

This office became necessary after the first navigation acts went into effect and the commissioners were intrusted with collection of customs both in England and the colonies. The first board was established in 1663, and in 1670 the office was still further centralized by the appointment of a receiver-general of customs.[a] After the revolution of 1688, the system again reverted to a board of commissioners, who took an active part in colonial affairs. They dictated many of the instructions issued to the governors, those which later served as a model being drawn up by them in collaboration with a committee of the privy council in 1686.[b] From time to time, as new acts were passed or new exigencies arose in their enforcement, these instructions were added to at the suggestion of the board of customs.[c] Their direct connection with the colonies was through the governors, who were instructed to correspond with the commissioners, and to send them, every three months, lists of clearances, and also reports of illegal trading. The governor's agent in matters of trade was the naval officer whom he was empowered to appoint, but who was required by the 7th and 8th William III to give security to the commissioners of customs. The chief agents of the customs board, on the other hand, were the collectors of customs whom they appointed for every port, and the surveyors-general of customs, of whom there were two for America—one for the southern and one for the northern department. Through these officers continual complaints of illegal trading were sent to the commissioners in England, and thence reported to the secretary of state, to the board of trade, and even to Parliament.

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[a] Hall, History of the Custom Revenue in England, (London, 1892), 189.

[b] B. of T. Papers, Pl. Genl. Entry F, 253.

[c] The commissioners of customs also had the right, according to 25 Charles II, to erect ports in the plantations. B. of T. Papers, Props. Entry A, 167.

THE LORDS OF THE ADMIRALTY.

The sole power of the Admiralty of England, with reference to the colonies during the early colonial period, was that of issuing to the royal governors commissions as admirals of the plantations. The governor, in consequence, might erect an Admiralty court when necessary, in which he frequently acted as judge. But with the increasing growth of trade between England and the colonies, and the greater stringency of its regulations, a need arose for courts in which to try seizures for violations of the acts of trade that should be as independent as possible of colonial prejudice and whose judges should be appointed by the King's officers in England. A provision was therefore inserted in the 7th and 8th William III by which breaches of the law were to be tried, at the option of the officers, in the colonial courts or the courts of vice-admiralty. This led to the erection of such courts in all the plantations, the officers of which—judges, marshals, and registers—were chosen and commissioned by the Board of Admiralty in England.[a]

The struggle, therefore, of the common-law courts with the Admiralty jurisdiction, which had raged so strongly in England in the sixteenth and seventeenth centuries,[b] was transferred to the colonial arena, where the opposition was intensified by colonial prejudice against all King's officers and the question complicated by the double jurisdiction of the governors and the judges. Complaints to the Lord High Admiral[c] or the judge of the Admiralty were constant, and were referred in many cases to the secretary of state, to the board of trade, and even to Parliament. These vice-admiralty courts in the plantations constituted an intercolonial judiciary, which acted without juries, was independent of colonial control, and dependent upon the Admiralty in England. By attempting to draw an increasing number of cases within its jurisdiction it operated to increase the prerogative. Its influence on the formation of the Supreme Court of the United States has been often noted.[d]

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[a] The Lords of Admiralty were not in favor of this project, which was part of the system planned by Edward Randolph. They declared that their commissions to the governors as vice-admirals were sufficient. (See post, chapter 3.)

[b] Benedict, Admiralty Practice in the United States (third edition), preface.

[c] Under William III this office was placed in commission.

[d] Jameson, "Old Federal Court of Appeal," Am. Hist. Assn. Papers (New York, 1889), III.

COLONIAL AGENTS.

A special link in the administrative system, of growing importance as the colonial policy developed, was the colonial agency. This office, evolved at first from special and urgent necessities of the colonies themselves, proved so useful and so important that the English administrators insisted on its perpetuation. The agency of Franklin gave some reason to hope that this system might have developed into some form of colonial representation in England, but it went down in the storm of the American Revolution.

As far as the English administration was concerned, the position of the agent was unofficial; but by custom and courtesy he was recognized by all administrators. Upon receiving authorization from the colony he presented his credentials to the secretary of state and to the Board of Trade and Plantations, and held himself in readiness for summons at any time. The development of the temporary and extraordinary agencies of the seventeenth century, insisted upon at times by the English Government,[a] into the permanent agencies of the eighteenth century was chiefly due to the exigencies of the charter colonies. In the long period during which their charters were imperiled they found it necessary to have some influential person present in England whose voice might be heard in their behalf. So efficient were these agents, especially those of the Connecticut colony, that their efforts defeated at two critical moments the blows leveled at the charters.

A permanent resident agent at court appealed to the provincial colonies, who rapidly adopted the system, thus showing the influence of institutions evolved by the charter colonies. In the provincial colonies control of the agent was often an object struggled for between the executive and people. The assemblies ultimately secured it, but many royal governors retained private agents of their own at the English court. In the corporate governments the agent always represented the popular party. In the proprietary colonies he served to appeal to the Crown for support in any popular struggle against the proprietors. Thus the assembly of Maryland, after first refusing to continue the agency established under

[a] During the struggle over the first charter of Massachusetts Bay one of the complaints against the colony was that it refused to send agents, as the privy council demanded.

royal control, were later denied by the proprietor the right to reestablish it except under nomination by himself.[a]

The agent thus was a kind of popular colonial representative. The position was usually held by some Englishman of legal attainments and political influence and connections, who had large interests, either commercial or through religious sympathy, in the colonies. Thus Sir Henry Ashurst, agent for Connecticut and Massachusetts, was the leader of the Puritan party in England; Richard Partridge, for thirty years agent of Rhode Island and New Jersey, was a Quaker by conviction. Later it became more popular to secure some American resident in England, or to retain some Parliamentary leader in the colonies' behalf, and we have Franklin and Burke as the great exemplars of colonial agents. While, therefore, the function of the agent was, from the standpoint of the English administrators, extra-official, his importance was conceded, and his appointment even required as a means of information. He served as a definite representative of colonial interests and affairs.[b]

SUMMARY.

The administrative measures of the English Government in relation to the colonies were of slow growth, the result of much experimentation. During the seventeenth century they were gradually taking form. By the beginning of the eighteenth century they had assumed a somewhat permanent shape, and entered upon a period of activity and efficiency. Under the Whig control in the reign of George II their ineptitude was marked and the conflicting features of the system were brought out in relief. After the middle of the eighteenth century a new system was tried, more highly centralized and more directly responsible than the old. But the American colonies, grown restive under the increasing supervision and interference by the home government, threw off the yoke of the mother country. The American Revolution changed the English colonial administrative system, which, since that event has adjusted itself to the exigencies of the situation, and developed into the present imperial union and federation, with home administration only as an expedient for colonies not sufficiently developed for a local autonomy.[c]

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[a] Sharp Correspondence, Maryland Archives, I, p. 401.

[b] See Tanner, "Colonial Agents," in Political Science Quarterly, 1901, p. 24.

[c] On modern English colonial administration, see Reinsch, Colonial Government (New York, 1902).

Chapter II.

TREATMENT OF INDIVIDUAL COLONIES.

Colonial status after Revolution of 1688—New England colonies—Jerseys lose their charters—Penn's difficulties—Carolina charters canceled—The Bahamas.

COLONIAL STATUS.

When the committee for plantations of the privy council began to examine the condition of affairs at the close of the Revolution of 1688 and the restoration of stable government, the status of the plantations was found to be as follows: All the northern colonies, except Pennsylvania, had been consolidated under one governor. He had been deposed by a popular uprising in Boston, where the colonists had resumed their former government. His deputy in New York was suspended. The charters of Rhode Island, Connecticut, and the Jerseys, not having been vacated by law, became operative once more. New York and New Hampshire, as royal provinces, were subject to the Crown. The status of Plymouth and Maine was undetermined. Massachusetts Bay, having lost its charter, had no legal status. Turning to the south, we find the proprietorships in the Carolinas and the Bahamas unchanged. But, owing to disturbances, and a petition of the inhabitants, the Leeward Islands were presently (1689) taken under royal protection. William Codrington was commissioned governor and authorized to call an assembly. The difficulties incident upon the revolution in Virginia were speedily adjusted, and Francis Nicholson, late of New York, was commissioned governor of the "Old Dominion." The revolution in Maryland, having taken place in the name of the Protestant sovereigns, and the legal proprietor thereof being a papist, a royal governor was commissioned for this province, and the attorney-general was ordered to enter a writ of "scire facias" against the

charter of Lord Baltimore. No judgment was ever entered in this case, but the crown government was maintained until 1715, in spite of frequent petitions from the legal heirs of Baltimore; then the proprietor, having embraced the Protestant faith, was permitted to again resume his proprietorship unquestioned. The colonies which needed immediate attention were those of New England. Later the proprietary governments in the Jerseys, Pennsylvania and Delaware, the Carolinas, and the Bahamas came in for their share of regulation.

NEW ENGLAND.

At the close of the Revolution an attempt was made to restore the charters of the colonies, together with those of the English municipalities. In the list of grievances drawn up by the convention Parliament, it was resolved that "the late prosecution of 'quo warrantos' against the cities, two universities, the towns corporate, boroughs, cinq ports, and plantations, and judgment entered thereupon, and the surrenders of charters to the violation of their ancient rights are illegal and a grievance," and in the following parliament a bill was introduced to the effect that "Whereas in pursuance of a wicked design to subvert the constitution of the English government and the Protestant Religion and to introduce arbitrary power and Popery, endeavors have been used to destroy Bodies Politick & Corporate in the Kingdom of England and Wales * * * , and ye same wicked design hath been further pursued by destroying Charters, Rights, Liberties and Privilidges of the several Plantations and Colonies in New England and other parts beyond seas * * * and Quo Warrentos and Scire Facias brought against said Bodies Politick, All these surrenders are hereby declared null and void."[a] This bill passed the House of Commons, but failed in the House of Lords for lack of time, an unexpected dissolution accompanying the king's departure to settle affairs with James in Ireland.[b] The new king opposed the measure, which was therefore not reintroduced, and the restoration of corporation privileges proceeded one by one. London received its charter again May 24, 1690. Petitions were made at the same time

[a] The act was designated one "For restoring Bodies Politick and Corporate and confirming their Laws and Liberties." B. of T. Papers, Pl. Genl., BB, 6.

[b] See a letter from Mather, Mass. Hist. Coll., 4th series, V. 254.

for the New England colonies, with every hope of a successful issue. Mather and Phips, the Massachusetts agents, presented a petition that the latter colony, those of New Plymouth, Connecticut, and Rhode Island, should have their respective charters restored.[a] The matter was discussed in the privy council, and it was decided that a governor should be sent over in Andros's place with a provisional commission, and that such an establishment should be prepared for the future as would "reserve such a dependence on the Crown as shall be thought requisite."[b] At the same time it was intimated that the administration wished the charges against the late governors dropped, and Randolph was promoted to the position of surveyor-general of customs. Connecticut then sent over an agent who succeeded in obtaining an opinion from the attorney-general that since the colonial charter never had been vacated by legal process and the submission of the government by the authorities had been forced, that instrument was still valid.[c] Three years later the Rhode Island agent secured a similar opinion;[d] and these two small corporation colonies, having already resumed their former governments, maintained them unchanged until the American Revolution.

The decisive answer received by the Massachusetts agents refusing the restoration of the former charter, and the existence in the colony of a strong party that did not favor its resumption[e] led to negotiations for a new charter. In January, 1691, the agents requested a reestablishment of their corporation, but stated that they were willing to accept a new charter, and asked for propositions from the committee of trade and plantations. The latter asserted that they were unable to proceed until the "King had declared whether it was his pleasure to have a governor or representative of his own appointment or whether he would leave the power of making laws wholly to the people and the officers chosen by them."[f] The reply of the King was emphatic and unequivo-

[a] Printed in Mass. Hist. Colls., 4th series, VIII, 705.

[b] Privy Council Register, 1688–1690, 21.

[c] Opinion rendered August 2, 1690. Printed in Hinman, Letters from the English Kings * * * to the governors of Connecticut (Hartford, 1836).

[d] B. of T. Papers, New England, Entry 1692–1696, fo. 126.

[e] Petitions were presented, one entitled "Merchants and inhabitants of Boston," with over 250 signatures, in opposition to a restoration of the old charter. B. of T. Papers, Journal 7, fo. 7.

[f] Ibid., fo. 10.

cal. He declared in council that he was resolved to send a governor of his own appointment, as in Barbados and the other plantations.[a] The attorney-general was thereupon ordered to draw up a charter upon this basis.[b] From this time until the final order for the charter to pass the great seal (September 17, 1691), the agents were in treaty with the attorney-general and the lords of the committee to obtain as favorable terms as possible. The parties came to a deadlock on July 30 and the points at issue were referred to the King in person. The agents insisted that the appointment of judges, justices of the peace, and sheriffs ought to be in the general assembly, and that the governor should have no negative voice in their election.[c] The King supported the prerogative and the agents were obliged to acquiesce, their only triumph being the confirmation of the titles to land granted by the previous government and the inclusion of Maine, Plymouth, and Nova Scotia within their boundaries.

The temper of the new administration was shown not only by insistence on the great points of a royal governor with appointing and veto power, but also by the attention given to preserving the King's prerogative in lesser matters. Appeals and admiralty jurisdiction were reserved for the Crown, as well as the right to annul all laws.[d] The clergy were deprived of their political power by the change of the franchise from church members to freeholders. Limited as the charter was, the Massachusetts agents made much of their triumph in securing it, and of their success in obtaining the territory of New Plymouth and likewise that lying to the north, of which they had been deprived upon the revocation of the first charter.

In 1720–21 an acrimonious debate arose in Massachusetts over the right of the house to choose its own speaker, and to prorogue itself at will without the governor's consent. The board of trade drew up and forced upon the legislature for its consent an explanatory charter which decided both points in favor of the governor. In 1725 the privy council declared that "if such Explanatory Charter shall not be accepted and a just

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[a] Privy Council Register, 1690–1692, Apr. 30, 1691.

[b] B. of T. Papers, Journal 7, fo. 15, May 12, 1691.

[c] B. of T. Papers, Journal 7, fo. 37; Privy Council Register, 1690–1692.

[d] In the first draft of the charter, laws were to be valid if not disallowed by the King within one year. The committee insisted on having this increased to three years.

regard showed to your Majesty's royal prerogative by the House of Representatives for the future in all particulars aforesaid, it may be proper for the consideration of the legislature [i. e., Parliament] what further provision may be necessary to support and preserve Your Majesty's just authority in said Province and prevent such presumptious invasion for the future."[a] The Massachusetts assembly decided to submit and "dutifully" accepted the curtailment of its privileges rather than hazard the continuation of its form of government. In spite of the legal barriers thus interposed, the independent spirit in Massachusetts continued to struggle against English administrative dictation, employing methods which will be noted in connection with those of other colonies.

THE JERSEYS.

The close of the Revolution of 1688 found the two small provinces south of New York in much confusion. The problem of proprietary rights was a complicated one. Berkeley had sold his share to a stock company in 1673. The Cartaret share had been put up at auction in 1680, and was bought in by a board of 24 associates, chiefly Quakers, who secured a confirmation of their title from the Duke of York in 1682. Under these titles the Jerseys had a proprietary government until forcibly annexed to New York (1688), as we have seen.[b] After the Revolution the towns fell back upon their local government. Meanwhile some of the proprietors attempted to sell their rights, including the power of government.[c] The committee for trade and plantations, "on consideration of the great disorders the Countrys of East and West New Jersey have a long time lain under," concluded to incorporate them in the government of New York, and a commission to that effect was drawn up and approved by the attorney-general. Daniel Cox, however, petitioned to preserve his rights, whereupon these colonies were omitted from the final draft of the commission and reserved for later consideration.[d]

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[a] Privy Council Register, May 29, 1725. Printed by Palfrey, History of New England, IV, 452-454.

[b] See ante, Chapter I.

[c] Cox, chief proprietor of West Jersey, offered "the hereditary or perpetual government of West Jersey" for sale, saying, "I have refused 1,000 guineas for this only." Rawlinson MSS. (Bodleian Library, Oxford), C, 128, 39.

[d] Privy Council Register, 1690-1692, fos. 328, 336.

Meanwhile the proprietors of both Jerseys commissioned and sent as governor a Scotchman, Andrew Hamilton, who had been deputy governor of the same colonies under Andros. He seems to have been an able and vigorous administrator, who restored order in the provinces, and, although probably still a Jacobite at heart, was quite acceptable to the majority of the inhabitants.[a] A doubt having arisen whether Hamilton, as a Scotchman, was eligible as governor of a plantation, particularly after the passage of the navigation act of 1696, barring Scotch ships, a few of the proprietors of East Jersey granted a new commission to Jeremiah Bass.[b] The latter stirred up disaffection and discord, and while pretending to serve the interests of his principals was secretly trying to undermine the proprietors' interests, and in connection with Randolph to destroy the charters.[c] The inhabitants of East Jersey refused obedience to the new appointee, and the proprietors secured an opinion from the attorney-general that Scotchmen were eligible, whereupon they reinstated Hamilton and applied for his confirmation by the King.[d]

Meanwhile the title of the proprietors to the government of the Jerseys was called in question on other grounds. A dispute arose between East Jersey and New York in regard to ports and customs duties. Perth Amboy was the port of entry for East Jersey, but the customs officers at New York required all ships that entered the bay to pay the duties laid by the latter province for its defense. The Jersey inhabitants, feeling wronged, petitioned the commissioners of customs in England for redress, and the matter was referred to the board of trade. The question at once arose by what authority ports were established. Was this a royal prerogative? Had it been included in the Duke of York's grant? Had it passed from him to the proprietors of the Jerseys? The attorney-general and the solicitor-general decided that the right to establish ports in the plantations was vested in the commissioners of customs, and that the Jersey proprietors had no grant of such a power.[e] Whereupon the board of

[a] See Bass's accusations that he drank "King James's health." B. of T. Papers, Props. F. 47.

[b] New Jersey Archives, 1st series, II, 176, 177.

[c] B. of T. Papers, Props. C. 29.

[d] Ibid., Props. 1697, 669, 679, 756. New Jersey Archives, 1st series, II, 250, 251, 257.

[e] Ibid, Entry A, 167. New Jersey Archives, 1st series, II, 182.

trade represented to the King that the Jerseys ought not to be allowed a port.[a] The King approved and gave orders accordingly December 29, 1697. Acting on this decision, Lord Bellomont seized the ship *Hester* (November, 1698), riding at anchor in the harbor of Perth Amboy, for not entering and clearing at New York. The proprietors again petitioned the King for redress, claiming that no notice was given them of the former order and offering, if they were allowed a port of their own, to obtain an act of assembly imposing the same duties as New York and for the same purpose.[b]

The board of trade immediately seized the opportunity to investigate the proprietors' title to the government. April 3, 1699, the proprietors wrote that they were "much surpriz'd at the Objection Yo.^{r} Lord^{pps} make to their Right of Government." They rested their claim on the confirmation by the Duke of York in 1682, and on the hearing at the privy council in 1692, when their government was exempted from inclusion in that of New York.[c] They offered, however, to try their right to a port by a feigned issue in the courts. The board of trade suggested including their right of government in the same trial, but to this the proprietors objected that "they can not without injustice to themselves and the inhabitants submit their right of government to such an issue."[d] The board next summoned such of the West Jersey proprietors as were in London to prove their title to the government of that province. Thereupon they admitted that their title was poor, but plead that they governed "ex necessitate rei," and begged that the King should grant them a new charter of incorporation as not "departing with anything now in the Crowne, but only a confirmation of what was formerly granted out of it." Annexation to New York, they declared, would ruin the province. The welfare of the colony and "not an Ambition of Govern^{mt} induces the proprietors to desire a new grant."[e]

But the attitude of the board was inexorable, and the proprietors concluded it would be the part of wisdom to make

[a] Privy Council Register, 1697–1699, fo. 139.

[b] B. of T. Papers, Props., Entry A, 374. March 13, 1699.

[c] Ibid, Props. C., 4. New Jersey Archives, 1st series, II, 265.

[d] Ibid, Journal C, 439; D, 7; Props., Entry A, 400, 401. New Jersey Archives, 1st series, II, 266, 268.

[e] Ibid, Props. C., 24.

such terms with the central authority as they could. Accordingly the East Jersey proprietors drew up a form of surrender July 5, 1699, in which they declared themselves ready, if thirteen conditions were complied with, to yield the government, although that "was the Cheifest motive of purchasing the said Province."[a]

The reply of the board was not returned to the proprietors until November 28. Meanwhile, all general instructions and directions were withheld from the Jerseys, lest "the proprietors should, from the Direction of such a letter, infer anything to their advantage and his Majesty's prejudice."[b] In the answer finally given, the board agreed to confirm to them the soil, to give to them sole rights of purchase from the Indians, to grant separate courts to East Jersey, provided the officers were appointed by the king's governor, to permit a sixth of the assembly and council of New York to be inhabitants of East Jersey (the project was to unite the province with New York), which, with another sixth granted to West Jersey, would give these provinces a fair proportion in the New York government. The proprietors were also to be permitted to maintain courts baron and courts leet on their own lands, to grant markets and fairs, and to have the reversion of traitor's goods and of treasure trove.[c] But the chief matter in dispute was the establishment of a port. To that condition of the proprietors the board had replied that a port at Perth Amboy might be granted, but it was "improper to bind his Majesty" in this regard. The proprietors replied, January 15, 1700, that they were surprised at the dubious answer to this proposition, as obtaining a port to be continued forever was the main inducement for them to consent to a surrender. "This is the only Thing that can make the Province of any value to the Proprietors, or give them hopes of reimbursing their Purchase-money and other expenses in Improvements; and if your Lordships think this is too great a privilege * * * the Proprietors cannot be accessary to their own ruine by a voluntary surrender."[d] In order to secure a port of entry the proprietors endeavored to have their right to such confirmed

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[a] B. of T. Papers, Props. C., 23. New Jersey Archives, 1st series, II, 294.
[b] B. of T. Papers, Pl. Genl., Entry B., 61.
[c] Ibid., Props. Entry B, 133. Printed in Smith, Hist. of New Jersey, Appendix.
[d] Ibid., Props. Entry B, 147, New Jersey Archives, 1st series, II, 308.

by an act in Parliament, and a petition brought in to that effect stopped the negotiations with the board of trade.[a]

Meanwhile, Bass, after ineffectual efforts to maintain himself in his governorship in opposition to Hamilton, came over to England and addressed himself to securing the unconditional confiscation of the East Jersey charter.[b] He presented a petition of one hundred and twenty-two inhabitants of East Jersey, containing complaints against the proprietors.[c] They submitted an answer alleging that the petition was the work of a faction who desired to be free from quitrents. They said that some planters had of late advanced the notion that in the Indian natives rests the sole ownership of the soil. If this doctrine should prevail all the crown grants would be royal frauds and the right of the king to govern might also be questioned. In conclusion they declared that both they and the proprietors of West Jersey had, before this complaint arrived, unanimously agreed to surrender the government of both provinces to the king under conditions proper to preserve their civil rights.[d] The board, however, was now deep in preparation for the bill of 1701, and ignored this offer of the proprietors.[e] On the failure of that bill, which Bass was largely engaged in forwarding, and by which he hoped to profit,[f] he called the attention of the board of trade to the Jerseys by again presenting, in opposition to Governor Hamilton, a petition of a number of inhabitants which declared that the governor could hold courts only by force of arms.[g] It was true that disorders had been increasing in these provinces, and had been encouraged by disputes among the proprietors. Bass's party, in the East Jersey council, had left their seats, refused to recognize the jurisdiction of the courts, rescued a pirate—one of Kidd's crew—seized the governor and justices, and imprisoned them for some days. In West Jersey they had stirred up a riot in Burlington in March, 1701, on the occasion of a tax levy.

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[a] B. of T. Papers, Journal B, 369. February 12, 1700.

[b] Bass could not even consolidate the interests of those opposed to the Quakers. Lewis Morris, a strong Churchman, supported Hamilton.

[c] B. of T. Papers, Props. F, 42. November 5, 1700. New Jersey Archives, 1st series, II, 322–327.

[d] Ibid., F, 50. New Jersey Archives, 1st series, II, 344–353.

[e] See Chapter IV, post.

[f] Letter of Bass. Additional MSS. (British Museum), 9747, fo. 38.

[g] B. of T. Papers, Props. G, 23.

After Bass had abandoned the province and gone to England to seek redress, the party who supported him in the board of proprietors sent over Capt. Andrew Bowne, commissioned by only six of their number and without the knowledge of the others.[a] He continued to foment the discord. Hamilton's party had seen that their only hope lay in sending some one to England to counteract the representations of Bass; so, in the summer of 1701, Mr. Lewis Morris arrived to endeavor to secure Hamilton's appointment as royal governor when the surrender, which seemed imminent, should be consummated.[b] The scene of the dispute was thus transferred from the proprietors to the board of trade. In the midst of it the proprietors of both East and West Jersey presented new terms of surrender, this time stipulating that they should be erected into a separate province and not be annexed to New York.[c] After numerous hearings of both parties the board of trade presented a representation to the king, October 2, 1701, rehearsing the entire case.[d] They were satisfied that the patents of the Duke of York were not, nor could be, of any validity to convey the right of government, "which is a power inalienable from the person to whom it is granted, and not to be assigned by him unto any other, much less divided, subdivided, and conveyed from one to another as has been done in the present case." They advised that the King commission a governor at once, but also that he should obtain from the proprietors articles of surrender to their pretended right of government. In a later representation they say that reducing this province to an orderly government under the Crown "will be of good influence throughout the other plantations.[e] The proprietors agreed with the board on the instructions to be given the royal governor to protect their property interests, and signed the form of surrender April 15, 1702.[f] They could not, however, agree on the recommendation of a governor, and the board finally decided to nominate some person wholly unrelated to the factions. So

[a] B. of T. Papers, Props. G, 28.

[b] Morris carried with him eight proxies for the proprietors resident in the Jerseys, to be used in the surrender. B. of T. Papers, Props. G, 46.

[c] Ibid., G, 29. New Jersey Archives, 1st series, II, 404.

[d] Ibid., Entry C, 244. New Jersey Archives, 1st series, II, 420–427.

[e] Ibid., 39.

[f] B. of T. Papers, New Jersey, A, 1. Printed in New Jersey Archives, 1st series, II.

Cornbury, who was about to go to New York, was commissioned governer of New Jersey also. Hamilton, who had really governed well until the troubles fomented by Bass, was dispossessed by the enmity of the King's party, Quary and Randolph opposing his reappointment.

Thus the Jersey proprietorships were vacated and the Quaker party in these colonies defeated. Incidentally, also, the right of subinfeudation of the powers of government by transfer and sale was denied, and the peril of indefinite subdivision and multiplication of proprietary governments avoided.

PENNSYLVANIA AND DELAWARE.

William Penn was a sturdy and declared Jacobite, and had been an especial favorite of James II. After the revolution, however, he refused to flee, as solicited to do by his friends. He was therefore arrested on charge of treason, committed to the Tower, and his right to Pennsylvania declared forfeited. After his release on bail he endeavored to secure his proprietorship, but the committee for trade and plantations, alleging as reasons the absence of the proprietor from the province and the danger from the French, determined to include Pennsylvania with New York, and in 1692 drew up a commission for Colonel Fletcher, governor of New York, to take over the Pennsylvania government. Fletcher sent his deputy to Philadelphia, who ruled there for two years.

Meanwhile Penn had recovered from his difficulties. He was permitted a hearing in the privy council, whereat he proved that his charter was still inviolate, and Fletcher's commission consequently illegal. The council agreed to revoke this commission on condition that Pennsylvania should furnish a quota for the New York militia or its value in supplies.[a] Whereupon the proprietary government was quietly reassumed by its grantee and its title not again called in question.

But on the failure of the bill of 1701, introduced in pursuance of the avowed policy of the board to secure as many colonies as possible to the direct government of the Crown, negotiations were begun for the purchase of Pennsylvania. Penn was ready to part, for a proper consideration, with the troublesome privilege of governing a protesting province, and all

[a] Privy Council Register, Aug. 3, 1694.

the more willing since he had narrowly escaped losing it without remuneration, and since it was to be feared that the attempt in Parliament would be renewed. The enmity to Penn of Quary and the Church of England party in the colony was persistent, and their influence with the board of trade enabled them to make it effective.[a] The practical difficulties of any proprietor, however just and however willing to yield to the wishes of his colonists, were necessarily great when facing a turbulent, eager democracy, and standing between them and the demands of the home government in regard to trade. Such conditions made Penn consider the burden of government heavier than its advantages and suggested overtures for its surrender. Accordingly, May 11, 1703, he wrote to the board of trade that, upon a just regard of his security and that of the people in their civil rights, he would resign the government for a consideration.[b] The Queen having signified her willingness to treat, Penn submitted "Proposals for surrender," as follows:[c]

First. Pennsylvania to continue a distinct province.

Second. The laws and constitutions to be confirmed by the Queen except such few as he himself would object against.

Third. A patent to be given him for the lands of the three lower counties on the Delaware.

Fourth. Thirty thousand pounds and a half-penny grant upon the tobacco of the province.

Fifth. The right to present two persons in nomination for governor for the choice of the Queen.

Sixth. No appeals in cases less than £200.

Seventh. Confirmation of his rights in the soil to himself and heirs.

These conditions were too exorbitant to be considered. The perpetual nomination of the governor would restrict the English administration in the most vital part and the whole matter was dropped. In January, 1705, Penn's second set of proposals[e] evoked some pertinent queries from the Board, the answers to which are interesting.[d] The chief conditions were

[a] See Chapter IV, post.
[b] B. of T. Papers, Props., L, 28.
[c] Ibid., 35, 38.
[d] This paper is missing; its contents are to be inferred from the succeeding one.
[e] B. of T. Papers, Props., N. 1.

the exemption of his heirs from taxation and the protection of the rights and privileges of the Quakers. He also proposed nominating three persons from among whom the royal governor should be chosen, but on objection he gave up that point. In response to an inquiry as to what he meant by "liberty of conscience," he replied: "I mean not only that relating to worship but to education or schools, a coercive or ministerial maintenance, and the militia;" and he continued, "The Quakers having founded a country of their own will be very uneasy if made dissenters therein." His proposals were not only that Quakers should be eligible to all the offices save that of governor, but that their marriages should be legalized, that they should be protected "against abuse and reproach for way of dress," and should not be obliged to serve in the militia. The governor was to take an oath to that effect. During all the year of 1705 Penn was in constant negotiation for the surrender, and seemed to be on the very eve of accomplishing it when the troubles with Rhode Island and Connecticut culminated in the bill of 1706 and defeated his chances.[a] In January, 1707, Penn revived the matter. The Secretary of State wrote to the Board in favor of purchasing the right of government to Pennsylvania, saying that he thought an equitable allowance ought to be made but the surrender should be unconditional and absolute.[b] This time Penn demanded £20,000, of which £5,000 should be paid from the treasury and the rest by grant from Pennsylvania. But while negotiations were pending, the Fords, Penn's agents, interfered to secure their rights in the case at issue between them and Penn and the matter was dropped for the third time.[c]

Meanwhile anxiety and confusion over this matter was great in Pennsylvania. The Germans feared their naturalization act would not be confirmed if the Queen assumed the government and petitioned for favor;[d] Logan represented to Penn that the need of the surrender was urgent and that it

[a] B. of T. Papers, Props., 30, 33, 42, 43, 49, 50, 56, 57; Journals I and K.

[b] B. of T. Papers, Props., Entry E, 439.

[c] Shepherd, History of Proprietary Government in Pennsylvania, in Columbia Studies in History, Economics, and Public Law, vol. 6 (New York, 1896), says Penn offered to add a greater part of the territory for the £20,000. Penn himself says (B. of T. Papers, Props., P. 8; Q. 4) that he only offered the right of government. The case between Penn and the Fords is discussed at length in Clarendon MSS. (Bodleian Library, Oxford), 102: 160.

[d] B. of T. Papers, Props., P. 27.

should be effected by act of Parliament, if not otherwise;[a] Quary represented to the Board that the province was in great confusion.[b] Penn therefore made a fourth effort (1710) to secure a price for the governmental powers. He asked the same amount as before, £20,000, but this was finally reduced to £12,000, payable in four years. Penn represented that the country had already come to maturity and was able to defray all the charges of government; that as a royal province the trade would increase and the customs, already amounting to £10,000 to £12,000 per annum, would become rapidly greater; that he had already paid out for settling about £50,000;[c] that the assembly was inclined to settle a revenue, and that the Queen's income from fines and forfeitures and from a duty on tobacco would be nearly £1,000 per annum. On February 2, 1711, Penn submitted some additional considerations on the terms of surrender. They are interesting in showing his motive and the constant difficulty he had experienced in maintaining his proprietary government because of "the easy ear the ministry from time to time lent to the unjust complaints of some designing and prejudiced men." In less than two years after his first going over he was obliged to return in its defense; and, when, in 1699, he had taken over himself and family to remain in the province, he was obliged to return very hastily to save his government from being wrenched out of his hands.[d] All the troubles since then were known to the Board and made him desirous in his declining years to deliver up the government into the hands that, as had so often been alleged, were most proper for it.[e] On consultation with Penn the Board decided to recommend the acceptance of the surrender, with the special proviso that the Quakers were to be under the Queen's protection.[f] Penn was paid £1,000 as the first installment of the £12,000 agreed upon;[g] but before the conveyances were completed and signed, Penn was seized with apoplexy and the agreements were never concluded.[h] An at-

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[a] Penn-Logan Correspondence, in Pennsylvania Historical Society, Memoirs, vol. x, 196.

[b] B. of T. Papers, Pl. Genl. K, 1.

[c] Ibid., Journal O, 191.

[d] This reference is to the bill of 1701. See chap. iv post.

[e] B. of T. Papers, Props. Q. 9.

[f] Ibid., Q. 54; Entry E. 255.

[g] Calendar of Treasury Papers, cxliv, 31.

[h] Ibid., ccxxviii, 18.

tempt was made to carry the matter through by an act of Parliament, but it was defeated by the heirs at law.[a] Penn had devised the government of Pennsylvania in trust to two earls in order to complete the surrender in case of his decease. A friendly suit, brought in chancery to settle the claims of government,[b] dragged on so many years that the execution of the surrender was impossible.[c] When a decision, apparently in favor of the heirs, was finally reached, they had changed their minds in regard to the advisability of a surrender. And so the matter was dropped.

The proprietor's persistent enemies were not slow in finding the defect in his title to the three lower counties on the Delaware. Randolph (1701) presented to the board the three papers on which Penn claimed the government of these counties: the indenture of the Duke of York (August 24, 1682), the conveyance of Newcastle of the same date, and the act of assembly held at Uplands (September 6, 1682), by which the inhabitants desired to be governed by the same laws as those of Pennsylvania.[d] Whereupon the board took up the matter and consulted the attorney-general. Meanwhile, Quary hoping that the dissatisfaction caused by the troubles of 1701 between the representatives of the two colonies would stimulate them to sign, was endeavoring to secure petitions from the people of Delaware praying to be taken under the Crown. In this he was not very successful, the few churchmen alone supporting his wishes.[e] Penn was finally summoned to make his defense, which he did in the following terms:[f] "My title to the lower counties is by Deeds of feefement from the Duke of York and his letter of Attorney to his President and Surveyor General and Clark of the Peace to give me possession and submission, wch they readily did by Turf and Twig and Water; as also by a ready acknowledgement of me as Govern[r] in open Court of Sessions; and which (as covenanted to do in said deed) he intended a Confirmation and further grant by Letters Patent when king as appears by Sir Wm.

[a] B. of T. Papers, Props., Entry F, 418.
[b] Ibid., Props., Q. 181, 207; Calendar of Treasury Papers, cclv, 10.
[c] B. of T. Papers, Props., Q. 181, Entry G; 217.
[d] Ibid., Props., F, 71, 72, 73.
[e] B. of T. Papers, Props., I, 1, 2, 14.
[f] Ibid., Props., L, 3.

Williamses draught by his Order in 88 but Obstructed by ye disorder the Court was in a little before the Revolution."[a] This statement of the title not being satisfactory to the board, they represented to the Queen that Penn's lieutenant-governor should not be confirmed unless he signed an article by which the Crown reserved the right to resume the government of the lower counties. Penn protested in vain, and his entire charter being in danger, he concluded that it was wise to sign the reservation. Subsequent protests were also unavailing, and it grew to be the habitual requirement on the confirmation of every lieutenant-governor of Pennsylvania and Delaware that a reserve to the Crown of the right of government for the latter should be agreed to by the proprietor. Thus the right of Penn to these lower counties was never legally recognized. Probably only their insignificance caused them to remain a part of his proprietorship.

An attempt was made in 1716 by the Earl of Sutherland to wrest the Delaware counties from the Penns.[b] The board of trade recommended a suit in courts therefor, but the courtier favorite did not consider the game worth the candle unless he could acquire the province by the King's prerogative.

The failure of the attempt to establish royal government in Pennsylvania left this vast province to develop, under proprietary forms, a democracy almost as complete as that maintained in the corporation colonies of Connecticut and Rhode Island. This result was not attained, however, without friction with the governors and conflict with the business interests of the owners of the estate of Pennsylvania. The celebrated case of the taxation of proprietary estates, which reached so acrimonious a stage in the French and Indian war, shows how the political and economic interests of a proprietary colony acted and reacted upon one another.[c] The board of trade took the position, before that unusual, of supporting the proprietors against the agents of the colony, and the clamor for the assumption of the government by the Crown quickly subsided.

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[a] This is interesting as the only proprietary grant authorized by James II as King.

[b] B. of T. Papers, Props., Q, 110, 114, 134, 135.

[c] For complete discussion see Shepherd, History of Pennsylvania under the Proprietary Government, Chap. X.

THE CAROLINAS.

The Carolina proprietors were not bound to their settlers by ties of a common faith, as in Pennsylvania and the Jerseys, or by a precedent of good government, as in Maryland. They were great English noblemen, whose sole interest in the province was the profit it might afford them, whose ideal of government was a fantastic scheme of reproducing a feudal aristocracy on a vague and impracticable basis. The colony developed but slowly, the profits were small and uncertain, the colonists proved stubborn, and the ways of the wilderness unsuited to idealistic constitutions. The lords proprietors interested themselves but little in the management of the colonies. They left affairs in the hands of some secretary or agent, who was usually controlled by some of the shrewder dignitaries in the colonies themselves. The relations, therefore, of the colonists and the proprietors tended constantly toward opposition, and it was by the action of the people of South Carolina that the government was wrested from the proprietors' hands and vested in those of the King. The people of North Carolina, scattered and few, disregarded the instructions of the board of proprietors, defied their governors, and lived in a state of unrest and individual freedom bordering on anarchy. But the South Carolina colonists were more compact, more skilled in political management, and more capable of uniting for a common purpose. From them came the initiative that finally overthrew the proprietors' government.

The charter of Carolina had been in danger of revocation several times simply because it was of the proprietary type. It was included in the bills of 1701 and 1706, and the confusion in Carolina was the chief cause of the bill of 1715. The church acts of 1703 were not only repealed in 1706, but in the course of the complaints concerning them by the colonists' agents the charter was brought into danger, and by order of the Queen on an address of the House of Lords, the attorney-general and the solicitor-general were ordered to proceed by "quo warranto" against it on the ground that a part of the proprietors had approved of acts that were "contrary to reason and repugnant to the laws of England."[a] But a question hav-

[a] B. of T. Papers, Props., O, 51, 60, 64, 65, 76; Entry E, 360, 382.

ing arisen of the privilege of a peer in Parliament, the matter was dropped in the privy council.[a]

After the failure of the bill of 1715, the agents of the colonists remained in England and constantly attempted to bring to the notice of the King and of the board of trade the distressed state of the province, and to have the Government taken from the proprietors. On June 22, 1716, they submitted two memorials to the board, showing the value of the province to the Crown, its defenseless condition, the desertion of its inhabitants, and that the lords' proprietors were unable or unwilling to furnish aid.[b] At the same time they presented similar appeals to the King in council, replying to the defense of the proprietors "in a very damaging fashion."[c] The board summoned the agents to a conference and requested a statement from the proprietors. Meanwhile the agents had written to the colonists to continue their petitions and memorials, and early in 1717 a fresh batch arrived, signed by merchants, by the assembly, and by various groups of inhabitants.[d] A printed document was also prepared for both houses of Parliament.[e] The agents had a hearing before the board (May 10, 1717), and after showing the deplorable condition of the province according to advices lately received, they declared that Lord Cartaret, the palatine, had told them he was willing to resign his share of the proprietorship if it would conduce to the relief of the colony.[f] The proprietors in reply to the board's question declared that they had laid out several hundred pounds since the war began, and had given orders that all arrears of quitrents should be used for public purposes.[g] Lord Cartaret denied that he had offered to resign his proprietorship, and requested the board to suspend judgment until the new governor, Col. Robert Johnson, should arrive and report the state of affairs in the colony. This reasonable request appears to have been granted.

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[a] See McCrady, History of South Carolina under the Proprietary Government (New York, 1897), I, 427–438; a correct and complete account of this first attempt to void the charter.

[b] B. of T. Papers, Props. Q, 76, 77. Printed in part in N. C. Recs., II, 229–233.

[c] Ibid, Q, 66, 79. The agents hinted that there were Stuart intriguers among the appointees of the proprietors in South Carolina.

[d] One of these is from the French immigrants in their native language. B. of T. Papers, Props. Q, 111, 116.

[e] Ibid, 117.

[f] B. of T. Papers, Journal S., 250, 251. N. C. Recs., II, 280.

[g] B. of T. Papers, Props. Q, 121.

Meanwhile, the deed of surrender executed October 28, 1717, by the Bahama proprietors, who were nearly the same as those owning Carolina, encouraged the colonists' agents to press their interests. In March, 1718, they renewed their representations of the dangers of the colony from pirates and Spaniards as well as Indians, and submitted a memorial signed by 568 persons, more than half of the male inhabitants of South Carolina, praying to be taken under the crown.[a] But while the board of trade with their dilatory action were still questioning and inquiring, the impatient South Carolinians refused to remain longer under a government so inefficacious and so underhanded as that of the proprietors. While ostensibly governing through their lieutenant-governor, the proprietors were in reality wholly influenced in their policy by Nicholas Trott, the learned but corrupt chief justice of the province, and by his unscrupulous colleague, Colonel Rhett. Acting upon their advice the proprietors had sent over a veto of several laws that the colonists considered essential to their welfare and liberty. Upon the governor's proclamation of dissolution the assembly voted itself a convention of the people, seized the government into its own hands and elected a governor, confidently appealing to the English Government for support. The good and loyal governor, Colonel Johnson, although he sympathized with the grievances of the people, could not do otherwise than attempt to suppress the rebellion against the proprietors. But having no support he was obliged to yield. The surprising news reached England early in 1720, and simultaneously the colonists' cause was strengthened by the arrival of their agent, John Barnwell, with explanations and addresses. The revolutionists rested their cause on the charter, claiming that the proprietors had violated it in many particulars: they were to propagate the gospel and to transport a colony, but had done neither; they had hindered the people by violating covenants with those who had been induced to immigrate; good government and safety were a design in granting the charter, neither of which had been secured. They also recited the recommendation of 1706 and then passed to the immediate troubles, the repeal of beneficial

[a] B. of T. Papers, Props., 151.

laws and the multiplication of negatives, the veto right being maintained by both governor and palatine.[a]

The English Government was only too willing to take advantage of the situation, even at the cost of encouraging the dangerous precedent of a revolution. The palatine, Lord Cartaret, being absent on a diplomatic mission, Mr. Ashley and Mr. Dawson attended several times on the board and at the privy council. In one of these conferences they admitted that they were in treaty for the sale of the province.[b] This still further enraged the people of South Carolina,[c] and rendered the English administrators more ready to supersede them. On August 11, 1720, therefore, an order in council was passed to assume the provisional government of the province, and September 20 a draft of a commission was ordered for Francis Nicholson as royal governor.[d] A hearing having been had by the proprietors, a third order was issued September 27, for the attorney-general to bring a "scire facias" against the charter.[e] This was, however, never done, and the royal government was merely a provisional one and the charter still in legal force.

In regard to North Carolina, the colonists' agents advised the resumption of that government also, since there was but one charter for the whole, suggesting that it might be better to annex it to Virginia, as nearer and more related thereto.[f] Nothing was done, however, and the proprietors continued for ten years longer to appoint governors for North Carolina.

Just before the arrival of the new royal governor in the colony, the proprietors' governor, Colonel Johnson, taking advantage of the presence of two men-of-war, whose captains agreed to support him, made an effort to recover the government for his principals.[g] The revolutionary government trained their guns upon the marines and brought the matter to an effectual stop. One of the captains acted as mediator,

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a "True State of Case between the Inhabitants of South Carolina and the Lords Proprietors," B. of T. Papers, Props. Q., 203.

b B. of T. Papers, Journal W, 270–274. See McCrady, History of South Carolina, I, 668–670, for connection with South Sea bubble.

c B. of T. Papers, South Carolina, A, 18.

d Ibid, 1, 21, 22, 23.

e Ibid, 24.

f B. of T. Papers, Journal W, 503; South Carolina, A, 17.

g May 11, 1721. B. of T. Papers, South Carolina, A, 30.

the affair came to an end without bloodshed, and the proprietors' government in the colony of South Carolina was wholly destroyed. Their title, however, was still valid. After several ineffectual efforts to get this recognized, they offered to surrender their right to the government and all their interests in the Carolinas for £25,000.[a] This purchase was facilitated by the troubles in North Carolina with the proprietors' governor, who was not only a petty tyrant but a Jacobite as well.[b] An act accordingly passed both houses of Parliament and was signed July 25, 1729, accepting the surrender of the proprietary rights of seven of the proprietors. Lord Cartaret refused to join with the others and reserved his one-eighth share.[c] Some months after he petitioned to have his share set aside in one portion, offering to surrender his share of government for that privilege.[d] This was not finally consummated until 1744.

Thus this largest and latest of the proprietary governments to revert to the Crown was destroyed by popular action and revolutionary methods. It might have been a warning to the English Government that such colonists were as little likely to endure oppressive measures from the Crown as from the proprietors, and that the descendants of those who cited the breaches of the charter of 1663 in 1719 would cite Magna Charta in 1776.

THE BAHAMAS.

The case of the Bahamas was a simple one. In the track of the French and Spanish vessels, they were open to devastation in every war. The patent granted the proprietors in 1670 was not utilized with any efficiency for twenty years. A few settlers having gone out at the instigation of some merchants, a form of "squatter sovereignty" was proclaimed, and the inhabitants chose a Presbyterian preacher for governor in 1687 and fixed a capital at Providence. In 1690 the proprietors sent a governor whom the inhabitants refused to recognize. They imprisoned him and chose a president of their own. Again, in 1694, a governor was commissioned by the proprietors, but he was accused of sheltering pirates and

[a] House of Commons Journal, XXI. May 24, 1728; April 9, 1729.
[b] B. of T. Papers, Props., R, 98, 99, 101–103, 106, 107. N. C. Col. Recs., II and III.
[c] Rolls of Parliament, 2 George III, 7. The price finally paid was £22,500.
[d] Additional MSS., British Museum, 32693, f. 37.

wrecking ships, and was imprisoned on his return to England. The inhabitants would have no proprietary governor. They drove out another in 1699 and sent a third to England in irons in 1701. At last Nemesis overtook them in the shape of the Spaniard, who during Queen Anne's war twice plundered the islands and left them desolate.[a] The proprietors thereupon abandoned all attempts to govern or defend them. Gradually a few settlers accumulated on the islands and again chose their own governor, one Capt. Thomas Walker, who seems to have been a vigorous administrator.[b] Several attempts were made to induce the English Government to fortify these islands and to vacate the charter. In 1706 an order in council was issued to prosecute the case in the courts by a "quo warranto." This was stopped, like that against Carolina, by the privilege of peers in Parliament.[c] Again, in 1709 and 1710, the Queen was urged to appoint a governor on the ground of an "extraordinary exigency," but nothing came of it. In 1717, Capt. Woodes Rogers proposed to the proprietors to form a company to resettle the islands, on condition that their rights and privileges should be vested in the company for twenty-one years. The property being absolutely worthless as it then lay, the proprietors inclined to grant this power to Captain Rogers, who promised them something of an income at the end of seven years.[d] On inquiring the state of the islands it was learned that they had become a nest of pirates, no less than seven or eight hundred inhabiting Providence alone. To rout and dispossess them required a considerable naval force, so it was decided to apply to the King for a royal commission and a sufficient force to support the enterprise. This was accordingly done, and the proprietors executed a deed of surrender of all civil and military powers on condition that the government should remain distinct and not be annexed to any other, and that liberty and freedom of religion should be preserved.[e] Thus the last of the island proprietary governments was extinguished.

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[a] B. of T. Papers, Props., Q, 128.

[b] Ibid., Props., P, 99.

[c] Ibid., Props., P, 37.

[d] They were to have £100 per annum for the second seven years, and £200 for the last seven years. B. of T. Papers, Props., Q, 128.

[e] Ibid., 133. No money consideration being involved an act of Parliament was considered unnecessary, the acceptation of the proprietors' surrender vesting the government in the Crown.

Chapter III.

ATTEMPTS AT INTERNAL CONTROL.

THE EXECUTIVE—THE JUDICIARY—APPEALS—THE LEGISLATURE.

It was the aim of the English administrators in their new zeal for colonial government not merely to bring colonies directly under the control of the Crown, but also to secure the largest possible measure of control in the colonies indirectly administered, because removed from their care by the intervention of a charter. Such control they attempted to secure in three ways: First, by enlarging their relations with the executive; second, by arranging a system of intercolonial courts; third, by continuing a check upon colonial legislation.

THE EXECUTIVE.

In the English colonial policy the governor was the connecting link between the English administrators and the colonial local government. In the colony he represented the dignity and majesty of the monarch himself. He commanded the militia; he presided over the supreme colonial court; he summoned, prorogued, and dissolved the assemblies; he held a power of veto; he was the source of pardons and of appointments to positions of trust and honor. Moreover, he was chief land agent, he held the power of making grants and of collecting quitrents. Thus the colonists' sentiments toward him were complicated by the two sets of relations—political and economic. From the standpoint of the home Government the governor was the royal agent. His appointment was for a term dependent upon the King's will. He was the means of communication between Crown and colony, the enforcer of the commercial system, the defender of the Crown's prerogative, the commander in chief in time of war. The difficulty, however, of efficient control over a governor at so great a distance was recognized by the home Government. A state paper of 1714 sets this forth.[a] The tendency, therefore, was

[a] A scheme or treatise of 1714, in B. of T. Papers, Pl. Genl. K., 39. "Governments have been given as a reward for services and with the design that such persons should make their fortunes. They are generally obtained by the favour of great men to some of their Dependants or Relations, and they have been sometimes given to persons who were obliged to divide the profit of them with those by whose means they were procured. The Qualifications of such persons for Government being seldom considered * * *. A bad

to reduce the governor's authority by means of a royal council and to appoint councilors directly without consultation with the governor. His veto power was lessened by the consistent and constant efforts to have all legislation ratified in England, and his judicial authority was abridged by the drawing over of appeals to the English courts.

The colonists also sought to interpose their check upon the colonial governor by the control of his salary. Except in Virginia, where the salary was paid by the Crown, a long succession of undignified bickerings on that subject marks the constitutional development of the American colonies. This occurred also in the proprietaries and in Massachusetts. The only colonies where harmony with the executive prevailed were the two corporations of Rhode Island and Connecticut, whose governors were simply executors of the legislature. But in all the colonies under the control of the charters, with the exception of Massachusetts, whose governor was of royal appointment, the colonial administrators lacked an agent of their own creation. As the commercial relations between the mother country and the colonies increased and the need of protecting the colonies from French attack grew more imperative, this lack was felt as a distinct disadvantage, and plans for gaining some measure of control over the governors appointed by proprietors or elected by corporate colonies were welcomed with alacrity and pushed as vigorously as might be consistent with chartered rights.[a]

The plan fathered by Edward Randolph was to include in the navigation act of 1696 a series of measures which would secure effective enforcement of the acts of trade and check the connivance of the proprietary governments at illegal commerce.[b] The first of these measures was the royal confirmation of governors. It was embodied in the act in the following language: "And all governours nominated and appointed

Governor grows haughty and insolent, and there is great Difficulty of redress, if they prove all against him, the worse thing that can happen is his recall, after two or three years, when the usual term of such Governments is almost expired. And he may enjoy at quiet in Brittain the fruits of all his oppression and rapine."

[a] See letter of Canning, custom-house officer in Boston, March 2, 1717: "But the charter governments are all enemies to the prerogative, and it would be a service to the Crown were they all taken away. * * * Where any Governor must depend on the People he cannot exert himself with that courage for the Crown's service as he could if he had no dependence upon them."

[b] The proprietaries were, no doubt, especially involved in illegal trade.

by any such Persons or Proprietors, who shall bee intituled to make such nomination shall bee allowed and approved by His Majesty His Heirs and Successors as aforesaid."[a]

The machinery for carrying this provision into operation was not easily arranged. The proprietors of the Bahamas were the first to request royal approval for their appointee. Nicholas Webb, January 28, 1697.[b] Penn, owing to his absence in America, failed to get his lieutenant-governor confirmed, a fact which his enemies used to his disadvantage. The privy council requesting of the board of trade the names of the proprietary governors that had not been confirmed, it was necessary to send to Randolph in America to procure such a list.[c] Upon receiving Randolph's reply, and observing that only the Bahamas' governor had received the required approbation, the board urged the attorney-general to reply to the question submitted November 9, 1699, "how the Proprietors in His Majesties Plantat^ns may be more effectually obliged to present the names of the respective Governors appt^d by them for his Maj^ts allowance or disallowance."[d] He responded January 2, 1701, that "the Proprietors of the Plantations could not be more effectually obliged to present the names of their Governors to his Ma^tie for his Approbation but by Act of Parliament, which was then intended to be endeavored the last session, and to be provided for by some Clause in the Act for punishing Pirates, but was omitted, and therefore I humbly conceive it must be attempted this next Parliament to procure a Remedy by some act to be made for that purpose."[e] Accordingly, the board of trade reported to the House of Commons in relation to the bill of 1701 that this was one of the grievances that made the vacating of the charters a necessity.[f]

With the failure of this bill, and the inconveniences attached to the annual approbation of the elected governors in the colonies of Connecticut and Rhode Island, this provision of the law was allowed to lapse so far as these corporations

[a] Statutes of the Realm, 7th and 8th William III, chap. 22. For the other features of this plan see "The Judiciary," post.

[b] Privy Council Register, 1694–1697, 575.

[c] B. of T. Papers, Pl. Genl., Entry B, 113. Props., F, 41. Received from Randolph, November 6, 1700.

[d] Ibid., Props., Entry A, 405.

[e] B. of T. Papers, Props., F, 56.

[f] Ibid., Pl. Gen'l, Entry B, 445.

were concerned. Penn secured the approval of his governor in 1702, on condition of a reserve to the Crown for Delaware.[a] In the Carolinas no governor was presented for confirmation until 1711.[b] This provision of the act of 1696 was gradually enforced among the proprietaries, and gave such measure of control as resulted from the board's inspection of the records and fitness of the candidates presented.[c]

The second measure, closely allied to the first and necessary in order to make the confirmation effective, was the requirement concerning oaths to support the laws of trade. By the act before cited they were to be taken by all governors of proprietary colonies as well as by those under royal appointment. The amount of security to be given varied according to the extent and importance of the colonial trade. By this means the governors in the charter colonies were held as strictly to enforce the navigation laws as those in the colonies under royal control.

An effort was made to compel the proprietors to give bonds and security for their deputy governors.[d] This culminated in an address to the King from the House of Lords, March 18, 1697,[e] complaining of the illegal practices in the "several great tracts of land granted by Your Majesty's predecessors where the governors are not immediately nominated by Your Majesty," and demanding that the proprietors be held responsible by a legal bond. The latter at once offered objections. Jeremiah Bass, agent for the Jersey proprietors, wrote: "I am very sorry their Lo^ps^ insist so positively on security for the Gov^rs^ of Proprietary colonies, since I find the Proprietors grow more and more averse to compliance and think it too great a hardship upon them."[f] Penn wrote, February 12, 1698: "I think it hard Proprietaries should give security for Deputys of the king's approbation; since to me it seems the same thing. For therefore we should be excused because the king approves or disapproves our nomination. If we may absolutely appoint I think we could not well refuse to be security for their obedience to the Acts of Navigation. How-

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[a] See Chapter II, ante.
[b] B. of T. Papers, Props., Q, 16; Entry F, 313.
[c] Occasionally one nominated by the proprietors was rejected.
[d] B. of T. Papers, Journal A, 29.
[e] Ibid., Pl. Gen'l, A, 4, 58.
[f] B. of T. Papers, Props., Entry A, 99.

ever, if it be thought fitt yt security be given even for such as the king approves of, I humbly offer to you that no Deputy be approved of yt will not give the king security for his right discharge of the place in reference to trade and the king's Revenues; since a Proprietary, that may be both absent and Innocent may be ruined by ye carelessness or corruption of a deputy and yt the Security arrived at by the Lords in their address to the King is equally answered by this."[a] The reasons for the proprietors' reluctance is well explained here. The conditions in the colonies made it impracticable for them to pledge their money to secure the acts of trade.[b] October 27, 1698, the board reported to the King that none of the proprietors or the charter governments had given the security required by the address from the House of Lords.[c] Upon the opinion of the attorney-general that he could not "find any Law whereby the Proprietors of Plantations are oblidged to give Security for their Deputy Gov'rs,"[d] the attempt was abandoned. In 1722 the board of trade threatened Rhode Island and Connecticut with a forfeiture of letters patent if they did not comply with the terms of this address,[e] and they were obliged to give the bonds for their governors to Governor Shute.[f] Again, in 1734, the committee of the House of Lords on the state of the plantations gave an opinion that these colonies should require their governors to give these oaths and securities, but this never seems to have been enforced.[g]

The complicity of the governors[h] with pirates led to an act "For the more effectual suppression of Piracy," by which commissions were authorized to be sent out to the governors in order to try captured pirates and condemn them to death. During the course of discussion upon this bill in the House, an amendment was offered and accepted to the following intent:[i] "And be it enacted That if any of the Governors in

[a] B. of T. Papers, Props., 1697, 433.

[b] Randolph wrote about this time: "No notice there [in South Carolina] is taken of the acts of trade." B. of T. Papers, Pl. Gen'l, A, 11.

[c] Ibid., Pl. Gen'l, Entry A, 370.

[d] Ibid., Props., F, 9.

[e] B. of T. Papers, Pl. Gen'l, Entry E, 456.

[f] Rhode Island protested, but to no avail. Ibid., Props., R, 44.

[g] House of Lords Journal, XXIV, 411.

[h] Fletcher was accused by Bellomont, who says, "I have proved his correspondence with pirates." Clarenden MSS. (Bodleian Library), 102; 21.

[i] House of Commons Journal, XIII, 307.

the Said Plantations [those under Grants or Charters from Crown], or any person or persons in authority there shall refuse to yield obedience to this act such refusal is hereby declared to be a Forfeiture of all and every such Charters granted for the Government or Propriety of such Plantation," which amendment was accepted and approved.[a] During all the discussion of piracy and its suppressions the board made constant accusations in regard to the governors of proprietary and of charter governments.[b] For example, December 9, 1697, the board represented to the King; "Upon consideration of the manifold mischiefs that have of late years been committed in East India and other remote places, and the favorable entertainment, protection and encouragement which it is notorious many have found in several of your Majesty's colonies and plantations in America (and more particularly in Proprieties and Charter governments)" etc. As a remedy it was proposed to pass a stringent law in Parliament to punish the governors of all plantations, not excepting those under proprietary or charter governments for any malfeasance in office. This was accordingly done with the provision that the cases were to be tried in the English courts.[c]

In addition to these attempts to control the appointment of governors and to impose restrictions upon them in regard to the acts of trade, an attempt was also made solely by the action of the perogative overruling chartered rights to foist a royal governor upon the corporation colonies of Rhode Island and Connecticut. During the first French war, when an urgent need for the union of all the northern colonies under one head was felt,[d] an opinion was obtained from the attorney-general that governors might be appointed by the Crown in a charter colony in case of pressing danger or a grave exigency,[e] and the militia of these colonies was actually placed under the authority of neighboring royal governors. In 1704, in the course of the attempts made by Cornbury and Dudley to get possession of the small corporation colonies, this old opinion was brought to light. Induced by the complaints of these

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[a] Statutes of the Realm, 11 and 12, William III, c. 7.
[b] B of T. Papers, Pl. Genl., Entry A, 219, 232, 245; Journal, B, 444.
[c] Statutes of the Realm, 11 and 12, William III, c. 12.
[d] See Chapter IV, post.
[e] B. of T. Papers, New England, Entry E, 358.

officials that Connecticut and Rhode Island refused their quotas for the war,[a] and that "they hate any one that owns subjection to the Queen,"[b] the board of trade recommended that Dudley should be commissioned governor of Rhode Island.[c] The report of the attorney-general was a strong one in favor of the prerogative. He not only concurred that in an extraordinary exigency and in case of the inability of the proprietor or corporation to defend the colony a governor might be constituted, but "that as to the civil government such Governor is not to alter any of the rules of property or proceedings in civil causes established pursuant to the Charters granted, whereby the proprietors of those colonies are incorporated; on perusal of which Charters, we do not find any clauses that can exclude your Majesty, (who has a right to govern all your subjects,) from naming a Governor on your Maj^{tys} behalf, for those colonies at all times."[d]

The agents of Rhode Island and Connecticut in alarm prayed for a hearing, which was finally granted February 12, 1705. Meanwhile Cornbury had sent over a manuscript copy of Bulkeley's "Will and Doom," in a hundred closely written pages, to prove that Connecticut had illegally resumed her charter after the Andros régime. The board meeting on this occasion was very large, including the great officers of State and the prince consort, George of Denmark. The agents prayed for time and that the charges should be proved on oath. The whole matter now became merged in the bill of 1706.[e] Dudley, hoping by that means to become the royal governor of Rhode Island, dropped his former plan, and the board never again attempted to assert the prerogative against these colonies to the extent of appointing a governor for them.

The net result, therefore, of all the efforts to control the executive in proprietary and corporation colonies amounted to this: The proprietors were compelled to obtain for their governors confirmation by the Crown, before securing which the governor entered a bond and took an oath to observe the acts of trade. The proprietors themselves gave no bonds for

[a] B. of T. Papers, Props., Entry D, 479; New England, Entry E, 344, 358; New England, O. 30.

[b] Ibid., New York, W. 30.

[c] Ibid., Props., Entry D, 413.

[d] Ibid., Props., M. 47. Chalmers, Opinions, pp. 67,68. It is strange that more advantage was not taken of this legal opinion of the right to appoint a royal governor.

[e] See Chapter IV, post.

the conduct of their governors. Spasmodic attempts, with slight success, were made to impose the same bond and oath upon the governors in the charter colonies elected by the people. The governors in the corporation colonies were not only exempt from all regulation, except general instructions from the home government, but their names were not even known at the office of colonial government. Occasionally a proprietary governor undertook to overreach his principals by direct communication with the royal administrators, but as a rule they were content to act as agents in the colonies, relying on the proprietors to effect arrangements with the English authorities. All governors, however, were liable to prosecution in the English courts, but this was never put into practice, the removal of a governor being considered a sufficient punitory measure.

THE JUDICIARY.

The legal system in the American colonies was not transported full-grown from England, or carried on with regard for English precedents and in accordance with the practices of English courts. It was rather a popular system of law, resting upon the necessities and conditions of colonial life, and administered by the colonists themselves in accordance with their own ideas of justice and equity.[a] In the corporation colonies of the seventeenth century the opportunity for the growth of local custom, unaffected by dictation from the English authorities, was more complete than elsewere. Protected by the charters which gave powers of erecting courts and establishing judicatures, the colonists administered justice in a vigorous if somewhat rudimentary fashion, established their own forms of procedure, and refused appeal to the King's courts in England. When the English administrators began to investigate more fully the conditions of government in the colonies, and particularly the difficulties in enforcing the acts of trade, the deficiencies of the legal systems in the colonies, the glaring inaccuracies in the court processes, the ignorance of the judges and administrators of law cried aloud for reform. The constant complaints by the revenue officers of the impossibility of enforcing seizures in

[a] See Reinsch, English Common Law in the Early American Colonies, University of Wisconsin Bulletin, No. 31. (Madison, 1899.)

the colonial courts suggested the establishment of a series of Admiralty courts in all the colonies which should be used particularly in cases affecting breaches of the acts of trade. Up to this time the Admiralty system in the colonies had lain in the hands of the governors, who, with every commission under the great seal, received also a commission from the lord high admiral,[a] as vice-admiral for the plantations. The board of trade as late as 1696 informed the governor of Massachusetts that the governors as vice-admirals had sole power of Admiralty jurisdiction.[b]

In the colonies under charters, where the governor had no such commission, the proprietors claimed vice-admiralty powers under the clause granting them rights "over land and sea," and the corporations under that giving them right to choose judges. In the Massachusetts provincial charter the power of vice-admiralty was reserved to the Crown, as was the erection of Admiralty courts. Possibly this was indicative of an intention to erect colonial vice-admiralty courts under the supervision and control of the English authorities. The inclusion of such courts in the navigation act of 1696, with power to try seizures for illegal trading, appears to have been part of the plan of Randolph and the commissioners of customs.[c] Randolph had complained in 1695 "that the illegal trade of the plantations was supported and encouraged by the Generall partiality of Courts and Jurys (byassed by private Interest) in causes relating to the Crown,"[d] and his first thought seems to have been the creation of an equity court. Thus in October, 1695, he submitted a series of "Proposalls to the Commissioners of Customs to discourage illegal Trade," the first of which was that a court of exchequer be established in all the colonies, with judges and attorneys-general appointed by the Crown.[e] On his return to England, however, he concluded that courts of Admiralty could be better employed to subserve the interests of the customs officers. So, after the passage of the bill known as the "Scotch act," he took immediate steps leading to the establishment of such royal intercolonial courts. He

[a] Admiralty Books, 1689–1692, p. 110; a sample commission of this kind.
[b] B. of T. Papers, New England, Entry A, 110.
[c] For the other features of this plan see the Executive, ante.
[d] Ibid., Pl. Genl., IV, 79. Printed in Prince Society, Edward Randolph, II, 144.
[e] Ibid., Pl. Genl., A, 10–16.

made a presentment to the commissioners of customs that if their officers were appointed by the Admiralty in England such courts would conduce to the due execution of the acts of trade.[a] To the board of trade he narrated the partiality of judges and juries composed of men interested in indirect methods of trade, and said he had never carried one cause in all these courts, even when there was unquestioned right on his side.[b] He was thereupon requested to present a list of names of persons suitable for this commission, and the matter was at once recommended to the King in council for immediate action.[c]

In the privy council the question whether this would infringe rights of the proprietors, and the related question whether the King could erect such courts in charter colonies at once arose. The proprietors took alarm and petitioned to be heard, that they might "vindicate themselves and those concerned from Mr. Randolph's Calumnies."[d] But the attorney-general rendered his decision against them, declaring that upon perusal of the charters of Rhode Island, Connecticut, Pennsylvania, Carolina, the Bahama Islands, East and West Jersey, Newcastle, and the county of Delaware, he does not find anything that restrains His Majesty from erecting courts of Admiralty in those plantations.[e] The proprietors maintained that the King had vested them with powers by sea and land, and that they conceived the power of Admiralty was included. They offered to establish such courts themselves, and though they insisted on it as a right would receive it as a favor.[f] But their arguments were overborne, the appointment of the persons recommended by Randolph took place[g] and commissions were issued out of the Admiralty office to that effect.[h]

The success of this uniform judicial system for the trial of breaches of the acts of trade in the colonies by royal officers was less than its promoters expected. In the first place, the officers were paid only by fees, and these were so inconsider-

[a] For the other feature of this plan see Pl. Genl., A, 5.
[b] B. of T. Papers, Journal A, 25.
[c] Ibid., Pl. Genl., Entry A, 27; August 13, 1696.
[d] Ibid., Pl. Genl., Entry A, 3; Journal A, 260.
[e] Ibid., Journal A, 263.
[f] Ibid., Journal A, 279.
[g] Ibid., Pl. Genl., A, 8, 117.
[h] Admiralty Books, No. 3, 96.

able that really competent men did not wish to hold these positions, particularly since they were objects of especial dislike in their respective communities.[a]

The first officers appointed under this act were of the Randolph faction, and thus exceedingly distasteful to the colonists. Every effort was therefore made to obstruct them in the business of their courts. In Pennsylvania an act had been passed November 7, 1696, providing for trial of breaches of the acts of trade by the colonial courts with juries.[b] The newly appointed vice-admiralty judge, Robert Quary, met opposition in attempting to hold his court. The entire government, he wrote, was active in exposing to the people that this court is arbitrary and illegal. In open council David Lloyd (the popular leader) had declared "that all those that any wayes did aid or encourage ye setting by of a Court of Admiralty in their Governm't were greater enemies to ye Liberties & properties of ye people than those yt sett up Shipp Money in King Charles ye first[s] time * * * and now they have in opposition to the King's authority sett up a Court of Admiralty of their owne."[c] This led to an investigation, and Penn was summoned before the board and the privy council and ordered to replace the governor (Markham) for this and other offenses, to remove David Lloyd from the council, and to pay all due obedience to the court of Admiralty and the custom-house officers. The next year the trouble broke out again. Penn, having acted as required, wrote from Philadelphia defending the people against Quary's charges and saying that "they came hither to have more & not less freedom than at home."[d] Quary accused Penn of truckling to the people in order to get an appropriation from the assembly.[e] He complained that Penn had encroached on the Admiralty jurisdiction by granting commissions to "water bailiffs;" and on the failure of the bill of 1701 that would have revoked Penn's charter, Quary followed up his attack by coming to England and accusing Penn there.

For three months a very acrimonious contest raged before

[a] A tract of 1720 in the British Museum says: "The Judges, Advocates, Registers, and Marshalls of Admiralty, who have nothing to depend upon but the Fees of the Court, and being altogether unqualified for such employments by promoting litigations, actions, and pronouncing unjust decrees, have brought our Trade under a very Sensible Decay."

[b] B. of T. Papers, Props., C. 26, No. 8.

[c] Ibid., Props., C., March 11, 1699.

[d] Ibid., Props., F. 26.

[e] Ibid., Props., F. 56.

the board of trade, charges and countercharges clustering around this matter of the Admiralty. Penn declared that Quary was unacquainted with the civil law, and argued that the greatest merchant in the province should not be judge and surveyor of customs, because as such he was partial in his administration and used his office for his own profit. He admitted that he had been friendly with Quary until he found out his transactions.[a] In his own defense and that of his colony he set up the obscurity of the law of the seventh and eighth of William III. Finally the matter was submitted to the attorney-general, that a determination might be had of the entire subject of the Admiralty courts and their jurisdiction. The attorney-general, Northey, held that the Admiralty courts were not established by virtue of the act aforesaid, but that this supposed them already settled there; that the common practice had been to sue for forfeitures under that act in such courts, and that although the act was confused, yet he was of opinion that Parliament intended this court with others in the plantations; that the informer had the option to sue in this or other courts in the plantations; and, finally, that by the terms of his charter Penn had not only a right to appoint water bailiffs (which are virtually sheriffs), but also to institute Admiralty courts of his own, "the power to constitute judges being to determine all causes within that precinct which must be causes there and not on the High Seas of which Admiralty Courts have cognizance."[b] In this and a subsequent opinion[c] Northey disclosed a real ground for colonial opposition to these courts, since their jurisdiction was greater than that of Admiralty courts in England, and cases vital to the colonists' interests were placed in the hands of judges without trial by jury.[d] Penn continued his case by direct appeal to the secretary of state and to the president of the privy council, being assured that Quary had the ear of the board of trade.[e] He succeeded in getting Quary temporarily removed, but in 1703 he was restored.

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[a] B. of T. Papers, Props., K. 9.

[b] Ibid., Props., K. 24. This first opinion is not given by Chalmers.

[c] Ibid., Props., K. 48. Chalmers Opinions, pp. 499–502.

[d] B. of T. Papers, Props., K. 34. Penn replied to the charge of the ignorance of his judges, "If our judges are ignorant, they judge by the verdict of juries and not out of their own heads."

[e] Ibid., Props., L. 51. Quary wrote, "It is the General discourse of the Quakers that the Lords of Trade and Plantations are Mr. Penn's enemies, but that he vallues them not having a greater interest than all of them, and shall be able to carry out his designs in spite of them all."

The new system of courts was not more popular in the other proprietary colonies. In the Carolinas the effort to establish them was unsuccessful until about 1701, when the judge wrote complaining of popular opposition. A similar complaint came from the Bahamas.[a] Connecticut seems to have submitted after the protest of Winthrop. In 1701 Atwood wrote from New York: "The Governour and Council of Connecticut were for some hours of opinion that it interferes with their charter. * * * But I think I left them in a disposition to submit to that jurisdiction, yet one of their Council being a Deputy Collector at New London the present seat of their Government I expect not to hear from thence of any Seizures or informations."[b] The people of Massachusetts, although one of their clergy maintained apropos of this Admiralty court that "they were not bound in conscience to obey the laws of England, having no Representatives there of their own choosing,"[c] did not attempt to resist the erection of the court, but tried to secure a judge upon whose local patriotism they could rely. Randolph wrote that Maj. Waite Winthrop had been appointed instead of Mr. Nathaniel Byfield, "who is strict for ye Observacon of ye Acts of Trade."[d] The Massachusetts authorities, moreover, proceeded against the Admiralty courts in the same manner in which the English courts of record had resisted their encroachments a century before—by the use of legal weapons in the other courts. In 1719 the Admiralty advocate wrote from Massachusetts complaining that the provincial judges "make frequent and intolerable encroachments upon the jurisdiction of the Admiralty in so much that they have of late proceeded so far as to set at liberty & discharge persons imprisoned by decree of the Admiralty Courts for debts and penalties due to His Majesty and do set aside by pretended prohibitions all appeals to the High Court of Admiralty and do issue out writs for large sums of money against masters of ships & others who sue in the Vice Admiralty Courts." The governor refused to give redress, considering that by his vice-admiral's commission he made up the entire court. A similar complaint was also adduced by Judge Menzies of the

[a] B. of T. Papers, Props., H, 5.
[b] Ibid., New England, Entry D, 197. N. Y. Col. Docs., IV, 930.
[c] Ibid., New England, Entry D, 197.
[d] Prince Society, Edward Randolph, II, 157.

same province with particular instances of encroachments, and the suggestion that this example was affecting other plantations. This was echoed by the commissioners of Admiralty, who said that they had received like complaints from other colonies "insomuch that it appears there is little or no regard had to the authority and jurisdiction of the Admiralty abroad."

The board in the meanwhile consulted their legal adviser Mr. West, who delivered a very interesting and remarkable opinion. After laying down the principle that the "Common law of England is the Common law of the Plantations and all statutes in affirmation of the Common law passed in England antecedent to the settlement of any Colony are in force in that Colony unless there is some private Act to the contrary, Though no Statutes made since these settlements are there in force unless the colonies are particularly mentioned," he went on to defend the rights of the plantation courts to issue out prohibitions, since common law has always been jealous of the encroachments of civil law and prohibitions have been the remedy constantly applied. The jurisdiction of the vice-admiralty courts, moreover, was made no greater by the acts of trade than of the Admiralty at home; in fact, where any penalty was exacted or recovered they were expressly excluded, since the terms describing these courts were common-law terms, which excludes the Admiralty. Also in all prosecutions to be made in courts of record the Admiralty was expressly excluded—the colonial courts being as much courts of record as that of the King's Bench.[a] In consequence of this opinion the board refused to support the Admiralty officers, and the colonial courts had a principle of resistance that they were not slow to utilize.[b]

In the charter colony of Rhode Island the resistance to the establishment of the Admiralty courts took definite form and led to most important results. This colony doubtless had good reason to dread too close inquiry into her privateering commissions and the harboring of pirates and illegal traders. Therefore, when Jahleel Brenton arrived with commission for Peleg Sanford (one of the opposition party) as judge of the Admiralty and for Nathaniel Coddington as register, the

[a] B. of T. Papers, Pl. Genl., L, 50. June 20, 1720. Chalmers, Opinions, 515–521.

[b] Ibid., Props., R. 110–131; S, 2; Entry H, 12, 15, 47. A complaint was made in Pennsylvania (1730) of such encroachments.

Quaker governor, Walter Clark, got possession of these papers and refused to surrender them. He also worked upon the feelings of the legislature, then in session, by telling them that such commissions were an infringement of their charter rights and privileges and that if they assented to them he would take his leave and there would be no more elections according to charter.[a] Six months later the board recommended that a commission be dispatched to Lord Bellomont to make a complete inquiry of the irregularities of this colony.[b] When the news of this commission reached Rhode Island, the governor wrote a most submissive letter to the board, saying: "We take it as a most bountiful favor that we can have liberty to answer for ourselves to so considerable a person & we hope to clear ourselves."[c] But in a speech at a special meeting of the assembly August 21, 1699, called to consider their difficulties, the governor was less guarded in his remarks. "The aforesaid premises considered, I doe conclude it lys befor this Hon^rd Assembly to make what preparations can be for the Maintaining and vindicating our Just rights and priviledges according to our Charter, and I will assure you there shall be nothing wanting on my part to the best of my Skill and ability to maintain the Same, and hope it will be all your Minds and resolutions so to doe, and I am of that opinion we had better like men spend the one halfe of our Estates to maintain our priviledges than that we with our Children should be brought into bondage and Slavery as I may say (for I conclude it will be but very little better) for if we did but feel or was sencible of one halfe of what the poor people of Some other Governm^ts suffer I doe believe we should be more vigorous to prevent what is likely to come upon us."[d] This unlucky speech, not at all intended to be bruited abroad,[e] nearly brought about the calamity it was intended to divert. The result of the commission increased the board's suspicions of the charter colony of Rhode Island and aided in forwarding the bill of 1701.[f]

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[a] B. of T. Papers., Props., Entry A, 201, 2031. Printed in R. I. Col. Recs., III, 339.

[b] Ibid., Props., Entry A, 1698. The accompanying instructions are in R. I. Col. Docs., III, 363–367.

[c] Ibid., Props., Entry B, 110.

[d] B. of T. Papers, Props., D, 34.

[e] Ibid., Props., D, 73. "It is not made publick [the speech], but by accident I came to the sight of it and got a copy." Brinley to Lord Bellamont.

[f] Ibid., New England, Entry E, 211. A law of Rhode Island erecting a separate Admiralty jurisdiction was repealed at this time by the Queen. See Chap. iv, post, on Rhode Island's attitude toward the veto.

The friction between the Admiralty and the provincial courts increased as the number of cases increased and would doubtless have been still greater had the jurisdiction of the Admiralty courts been more regularly and efficiently maintained. After the French and Indian war the Admiralty courts were greatly extended in their operations, and the agitation in connection with the Stamp Act was largely due to the fear of the extinction of trial by jury in civil as well as maritime cases.[a] One of the clauses of the Declaration of Independence was a complaint of these courts, and particularly of a recent case in North Carolina. Their erection and continuation in the chartered colonies was a direct assertion of the prerogative. Taken in connection with the attempt to control their executives, it is an indication of the board's deliberate policy of asserting authority within the bounds of chartered exclusiveness.

APPEALS.

Throughout the entire history of the development of institutions there is no more effective weapon in the hands of centralizing authority than the power of taking over appeals from inferior courts of judicature—that is, of rehearing and redetermining any case in which judgment has already been given by a lesser court. By means of this entering wedge the administrative organs act indirectly but powerfully upon the laws, customs, and local government of a dependency, and in a most vital way modify and mold the local institutions according to the will of the central agent. In the Crown-governed colonies of the American continent the right of appeal from the decisions of the King's agents was a measure of protection against any unjust or arbitrary action on their part and a check on the overshadowing power of the provincial governor. In the corporation colonies, on the other hand, where popular sovereignty found expression, there was a reversion to the older type of appeal from the magistrates to the assembly of the people. Thus in 1642 we find a decree of the Connecticut legislature that the supreme power of appeal shall rest in the general assembly.[b] Appeal in such case from the decision of the people's representatives to the Crown was an intrusion on popular sovereignty, and in the terms of colonial thought a violation of charter rights and privileges.

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[a] Life and works of John Adams (Boston, 1851), III, p. 466.

[b] Col. Recs. of Conn., I, 118; see also Mass. Recs., II, 16.

In the proprietary colonies, while the intervention of the proprietor between the people on the one hand and the King on the other rendered the action more complicated, the principle is clear. The King's justice was more desirable than that of the proprietor or his governor, and any resistance to royal appeals would come from the proprietors rather than the people.[a] In the charters of Carolina, Bahama, Pennsylvania, and the second one for Massachusetts Bay, appeal was reserved to the Crown. In that of Rhode Island an appeal was to be taken in case of dispute with any other colony. An appeal from the Jerseys was taken in 1696.[b] In New Hampshire the people looked with suspicion on an appeal taken by the proprietor to the privy council in order to recover quit rents,[c] but on the Crown's decision in their favor their confidence in royal justice was enlarged.[d]

In the period when the reins of colonial control were being more tightly drawn for the benefit of the prerogative, appeals were regulated in differing ways. In the colonies under the immediate supervision of the Crown they were restricted (after 1684[e]) by the requirement of security for their prosecution, and by various instructions to the governors (ranging from 1679 on), limiting the amount of the cases to be appealed to a comparatively large sum.[f] These regulations, by throwing more judicial authority into the governor's hands, worked for the benefit of the richer colonists and against popular rights.[g]

In the corporation colonies, on the other hand, appeals were a means of administrative interference with the rights of the people. The attempt, therefore, to draw them over to England was strongly resisted, both before the revolution of 1688, by Massachusetts, and later by Rhode Island and Connecticut, the strongholds of democratic sentiment and popular sovereignty ideas. In Rhode Island the governor and company followed their usual method of concession in words and resistance in acts. In theory they were always ready to

[a] Maryland Archives, Council Proceedings, II, 134. "Appeals to his Royal Majesty into England are termed [by the proprietor] criminal and denied."

[b] Privy Council Register, 1694–1697, 585.

[c] Ibid, 1701–1704, Dec. 17, 1702; also B. of T. Papers, New England, Entry C, 394, 399.

[d] Rawlinson MSS. (Bodleian Library), A, 379, 20, 22, letter of 1706 to Constantine Phipps.

[e] Additional MSS. (British Museum), 30372.

[f] Ibid. Usually about £300 was the sum required for an appeal in a civil case.

[g] In 1746 appeals were defined by a statute.

admit the King's prerogative and appeared mildly submissive before the constituted authorities; in practice they trusted to their insignificance to conduct matters as they chose. Thus (1699) Francis Brinley petitioned the King in council for redress on the refusal of the Rhode Island government to permit him an appeal. The board recommended that the governor and company of that colony be admonished to allow an appeal and that "further all persons whatsoever who may think themselves aggrieved by sentences given in the Courts be likewise allowed to appeal to your Majesty in Council."[a] To this the Rhode Island governor responded "wee do ashure yo^r Lordships there was niver any appeale desired by sd Brinley of this Government much more a deniall, nither was there any other Person to our knowledge ever denied an appeale to his Majesty we haveing always held it as our Duty to Grant and his Majesties Right to Receive appeals from his agreved Subjects."[b]

The colony of Connecticut, therefore, was left alone to support the right of popular justice administered under the charter without recourse to the King. A case arose under a will devising certain lands to the ministry in New London, and the plaintiffs petitioned the King for an appeal without having submitted the case to the general assembly, evidently because, according to the statutes of that body, such an appeal would be useless. They grounded their petition on the violation of the statute of mortmain,[c] or on the contention that, there being no establishment of the Church of England in the colony, there was no "ministry" to whom the property could be devised. The board of trade, after considering the petitions, recommended that these cases and any others that may hereafter happen upon any difference between man and man about private rights be fairly judged in the colonies, and that any that think themselves aggrieved should have right of appeal, "it being the inherent right of your Majesty to receive and determine appeals from all your Majesty's Subjects in America."[d] This opinion was confirmed and sent to Con-

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[a] B. of T. Papers, Props., Entry A, 411.

[b] Ibid., Props., D. 9. Newport, July 21, 1699.

[c] 6th Mass. Hist. Colls., III, 82. Winthrop wrote: "I am sure the foreign plantations are not named in statutes of mortmain, but our lawyers must say something for their fees."

[d] B. of T. Papers, Props., Entry A, 255.

necticut with a statement that "you are further to take notice that he expects your speedy and punctual obedience thereunto as you will answer to the Contrary."[a]

In October of the same year the general assembly of the colony requested the governor and council to draw up a reply,[b] which, couched in the dignified, courtly language of Winthrop, expresses the colony's resistance in the most careful yet certain of terms.[c] The case under consideration is first rehearsed in some detail, and then the report continues:

> As for the liberty of appealing from his Majesties Courts erected in this Colony To his Majesty in Councill, which is mentioned in your Lordship's Representation and his Majestie's order, Wee hope that since the complaints occasioning his Majesties declaring his pleasure therein were so groundless, wee shall not need to offer any further consideration thereupon. Wee could not possibly be more happy than to have all such differences as arise among us and not issuable here, to be heard and determined by his Majesties great wisdome and Justice, did not the remoteness of this Colony render it very prejudicial and almost wholly ruinous to his Majesties subjects here, to transport themselves over the vast ocian, and to be at that unavoidable charge; which the carrying and answering such appeals would oblige them to. We are therefore humbly bold to offer to your Lordships' thoughts his Majesties most gracious privilege granted by Charter to this Corporation for the hearing and issuing any such differences when they should happen among us. A power which because of the remoteness of this colony from his Majesties Kingdom of England (as is expressly said in the Charter) was thought necessary for the support of the same.

This address was not received or was mislaid, since it was not read until December 5, 1700. Meanwhile a new demand of the petitioner called out a sharp letter from the board to the colony, saying, "We are not a little surprised to have received no answer. * * * This long delay gives us just reason to doubt your having rendered that prompt obedience that was expected of you."[d] The board's annoyance was aggravated by the continued petitioning of the appellants, who accused the governor of having said publicly that no appeals should be allowed from there, and that they would dispute the point with His Majesty.[e] Matters began

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[a] B. of T. Papers, Props., Entry A, 409.
[b] Conn. Col. Recs., 1689–1705, 300.
[c] B. of T. Papers, Props., Entry B, 353.
[d] Ibid., Props., Entry B, 214.
[e] Ibid., Props., Entry B, 391. Winthrop is reported to have said: "We will grant no appeals to England, but will dispute it with the king, for, if we should allow such appeals, I would not give a farthing for our charter." (See Props., O, 23.)

to look serious for the colony, especially as this affair of the appeal became involved with other charges leading up to the bill for revoking all charter privileges.

In a report to the House of Commons April 23, 1701, one of the most effective charges made against Connecticut was not only that the colony had refused an appeal, but that the governor had made a rebellious declaration.[a] The attorney-general and solicitor-general, when consulted, affirmed the board's opinion that to hear appeals was a right inherent in the Crown.[b] Thereupon the colony of Connecticut thought wise to instruct its agent to memorialize the board and present the colony's position in as favorable a light as possible.[c] The grounds of the colony's opposition and the arguments advanced show clearly the importance of the matter from the standpoint of the colony and the essential weakness of their position from the point of view of the English administrator. They argued that a final appeal to their general court was expedient and in no way injurious to the prerogative. Their reasons were these: First, the distance renders an appeal to England difficult, since the colonists are drawn to a remote and *foreign* jurisdiction;[d] the insistence upon it will hinder immigration, and there has been "no precedent for such an appeal from incorporation to this day." In the second place, a final appeal to their general court is agreeable to their charter, since the legislative power is vested in the company "and, sure, the executive power to put these laws in execution must follow." Thirdly, withholding of appeal is not without precedent, since in England there are lesser courts from which no appeal is allowed. To the objection that, without appeal to England, they will be independent of the Crown, the memorial replies that no such consequence could follow, for if the general assembly should become corrupt ("which is a thing scarce possible to be supposed") there would be forfeiture of the charter and the colony would be seized into the King's hands.

This remonstrance failed of effect, and June 12, 1701, the petition for appeal was admitted by the privy council on representation from the board of trade.[e] After a hearing and

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[a] B. of T. Papers, Pl. Genl., Entry B, 446.
[b] Ibid., Props., G, 18.
[c] Ibid., Props., Entry B, 358. Printed in Hinman, Letters from the Kings, etc., 286.
[d] The italics are mine; the word indicates the habit of mind of Connecticut people.
[e] Privy Council Register, 1699–1701, 218.

consideration of the colony's address the judgment of the colonial court was maintained[a] and the appeal dismissed. But the principle of permitting appeals was strictly maintained and the colony called sharply to account for any refusal.[b] The Connecticut authorities, however, continued to evade the demand, and never admitted the principle that appeals could be drawn from their chartered limits.

In judicial matters, therefore, the interference of English authorities was successful. An intercolonial judiciary was erected, with officers appointed by the Crown, acting under admiralty law, and trying cases without juries. Cases of civil nature, vitally affecting the economic and personal interests of the colonies, were tried in these courts. The right to take appeals from all colonies, whether protected by charters or not, was asserted as a prerogative of the Crown, and was successfully maintained against all resistance.

THE LEGISLATURE.

The distinguishing feature of the American colonial government was the local legislature, which gave the colonists an organ of government for the expression of their own needs and purposes. The colonists resisted strongly the efforts of English administrators to interfere with their legislative action. They submitted reluctantly to the royal veto upon their laws. In consequence, English control of the legislative action of the colonies was of slow growth and was never entirely complete.

The early requirement of the charters, that "laws shall be consonant with reason and not repugnant to the laws of England," was discovered to be insufficient. But no permanent requirement that colonial laws be sent to England for confirmation or approval seems to have been made until after the Restoration. In 1662 the governor of the colony of Jamaica was instructed that the colonial laws would only be in force two years unless confirmed by the King.[c] The same year Governor Berkeley, of Virginia, wrote: "They will in future print their laws for their Lordships' approbation, amendment or rejection so that errours can not be of more than one year's duration."[d] When the government of

[a] Privy Council Register, 1701–5, 489.
[b] Ibid., 476.
[c] Cal. Col. St. Papers, II, 259.
[d] Ibid., July, 1662.

New Hampshire was taken over by the Crown in 1679 the royal commission to the president of the council contained this clause: Laws "shall stand and be in force until the pleasure of us, our heirs & successors shall be known, whether ye same laws & ordinances shall receive any change or confirmation or be totally disallowed & discharged."[a] Again, in 1682, the commission to Governor Cranfield contains the proviso that "all such laws, statutes and ordinances of what nature & kind soever be, within three months or sooner after the making of the same transmitted unto us under the public seal, for our allowance and approbation of them," the King to have the right to annul these acts at any subsequent time according to his pleasure.[b] This was incorporated into a general provision in 1684, and introduced into the commission of each royal governor thereafter appointed.[c] A large part of the colonial series of documents in the record office of England consists of these acts sent over for the royal approbation.

The case in the colonies under charters was different. Massachusetts Bay stoutly resisted any suggestion that her laws should be sent to England for inspection, and that was one of the charges that led to the forfeiture of her first charter. Pennsylvania's charter contained the requirement that all laws should be presented to the privy council within five years from their time of passage, and six months was allowed the Government to approve or disapprove.[d] By her second charter Massachusetts was required to send her laws to England, where, if not disallowed within three years, they became valid without further action. None of the other proprietaries or corporations was under obligations to present its laws for approval in England, and no such custom was a part of their habitual action. This omission the board of trade set itself

[a] New Hampshire Provincial Papers, I, 373.

[b] Ibid., I, 435.

[c] The same was incorporated into commission of Dougan as governor of New York, 1686 (N. Y. Col. Docs., III, 369, 377); in Nicholson's instructions for Virginia in 1698 (Virginia Magazine of History, II, 49), and in Copley's commission as royal governor of Maryland (Maryland Archives, VIII, 263).

[d] This provision was the cause of much complaint in the privy council, six months being deemed insufficient time for examining the laws. In 1709 the board made a representation that "it is unreasonable that Mr. Penn should have five years to lay his laws before Your Majesty, and Your Majesty but six months to consider thereof." (B. of T. Papers, Props., Entry F, 146.) Nothing was ever done about it. In 1705 out of 105 acts submitted 36 were repealed.

to remedy. In 1697 the secretary was ordered to write to the proprietors of East and West Jersey, Pennsylvania, the Carolinas, and Bahamas for the laws of each colony, and soon after letters were sent to Connecticut and Rhode Island requiring them to send copies of their laws to England.[a] The Carolina proprietors replied that they had sent to the colony for them.[b] Rhode Island adopted the theory that they were "wholy ruled and Govern'd by the Good and wholesome Laws of our mother the Kingdom of England as far as the constitution of our place will bear and we doubt not but your Lordships are sensible that in these Remote parts we cannot in every punctillo follow the niceties of the Laws of England, but it will be a great damage to his Majesties' interest in the settling & peopling the Country."[c] The governor of Connecticut, on the other hand, maintained the sovereignty of the local assembly in making laws "suitable to the constitution of affairs in this wilderness,"[d] and while courteously conforming with the demand of the board of trade that their laws should be sent for inspection and requesting a favorable opinion of them from their lordships, asserted that the only power that could modify or repeal these acts was the general assembly of Connecticut.[e] By no other colony was the legislative independence so consistently and persistently maintained as by Connecticut.

In 1705 the Quakers, instigated by Cornbury and Dudley, presented a petition to the Crown in opposition to an act of the Connecticut assembly against their mode of worship. An order in council was obtained repealing the law "as contrary to Liberty of Concience allowed by the laws of England to dissenters." The colony nullified the force of this blow by itself abrogating the law at the next meeting of the assembly.[f] But in 1728 a more serious difficulty arose over the intestacy law, and dragged along for many years.[g] The act was repealed by the privy council, but this decision was not accepted in Connecticut, and a reversal was finally obtained in 1745. The Connecticut authorities never admitted the validity of the repeal, stoutly maintaining that "it is the privilege of

[a] B. of T. Papers, Journal B, 373, 383.
[b] Ibid., Props., 1697, 443.
[c] Ibid., Props., Entry B, 59.
[d] In the code of 1702 the preamble asserts that the laws of England are not in force in Connecticut unless reenacted by the general assembly.
[e] B. of T. Papers, Props., 1697, 561.
[f] Talcott Papers, I, 143.
[g] See Andrews: "Intestacy law in Connecticut," Yale Review, 1894.

Englishmen and the natural right of all men who have not forfeited it to be governed by laws made by their own consent."[a] The board of trade vainly attempted during this dispute to force an explanatory charter upon Connecticut, as had been required in Massachusetts, saying that "the people of Connecticut have hitherto affected so intire an Independency of the Crown of Great Brit[n] that they have not for many years transmitted any of their Laws for his Majesty's Consideration, nor any accounts of their Public Transactions."[b]

The immunity of the charter and earlier proprietary governments from the necessity of submitting their laws for approval or disallowance in England was not only maintained in America and permitted in England, but was affirmed by legal authority. In 1714 the attorney-general reported that "As to law made in proprietary plantations, I am of opinion, that mischief cannot be remedied there but by an act of Parliament of Great Britain; for that the Proprietors thereof have a right vested in them of the power of making laws granted by their charters, and are not, nor can now, be put under any other restraint or regulation than such as are contained in their respective Charters but by act of parliament."[c] The same was reaffirmed in 1732 in regard to Rhode Island, "no provision being made for that purpose [in the charter] the Crown hath no discretionary power of repealing Laws made in this Province, but the validity thereof depends upon their not being contrary but as near as may be agreeable to the Laws of England regard being had to the nature and constitution of the Place and People. Where this condition is observed the Law is binding."[d] In 1734 an attempt was made to remedy this by parliamentary action. A committee of the House of Lords reported their opinion that "all laws made in the plantations as well those under Proprietary or Charter Governors as in those whose Government is immediately vested in the Crown be for the future transmitted home for His Majesty's consideration within twelve months after passing and no law to have force without his Majesty's approbation except the laws necessary for defence in an emergency."[e] But no action was taken on this report.

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[a] Talcott Papers, I, 158.

[b] B. of T. Papers, Props., Entry H, 24.

[c] Ibid., Props., Entry F, 418. Printed in Chalmers, Opinions, p. 339.

[d] B. of T. Papers, Props., R, 29.

[e] House of Lords Journals, xxiv, 411. This was during the investigations of colonial bills of credit or paper-money issue.

The case of Pennsylvania was peculiar, and at first legislation seemed to labor under the disadvantage of a triple veto—that of the lieutenant-governor, of the proprietor, and of the Crown. The proprietor insisted on his own negative, but the dissatisfaction of the people compelled him to yield and to transfer his right to his deputy governor; and in 1705 the attorney-general gave an opinion that, having thus deputed the veto power to his deputy, he had no right to reserve any such power for himself.[a] The Crown veto was, however, active, and many Pennsylvania laws were repealed. Incident upon this confirmation of the laws, many disorders and abuses crept in. In 1749 three acts of Pennsylvania were repealed, dating back for twenty and twenty-five years, on the theory that they had been laid before the board of trade and not the privy council. The colony was much alarmed and felt that such a policy would subvert their entire code; but upon petition of the proprietors the affair was dropped.[b]

A practice also arose of purchasing the confirmation of much-desired laws by judicious bribes applied to the proper persons. The negligence of the colonial agents in submitting acts was complained of as early as 1724, when the board represented that the colonies were, many of them, governed by laws that had long been repealed by the Crown, arising from the carelessness of their agents, "who seldom give themselves the trouble of taking out any Order in Council either for the repeal or confirmation of Acts wherein private persons are not concerned."[c]

Another method of evasion was to pass a law for a brief period, expiring before assent or dissent in England could be obtained, and then reenacting it in the same fashion. In 1697 the board of trade observed the effects of this practice and drew up a representation on the subject, wherein they said that the laws, "if disallowed by His Majesty yet being reenacted may be in force contrary to the express declaration of His Majesty and his Supreme authority be eluded."[d] Accordingly, an instruction was ordered to be inserted among those of the royal governors that all laws should be made indefinite and without limitation of time, except those neces-

[a] B. of T. Papers, Props., N, 48.
[b] Colonial Records of Pennsylvania (Harrisburg, 1851), V, 500.
[c] B. of T. Papers, Pl. Genl., Entry F, 15.
[d] B. of T. Papers, Pl. Genl., Entry A, 176.

sary for some temporary end. This did not check the practice in Pennsylvania, for in 1714 the attorney-general, Edward Northey, gave it as his opinion that this mischief could not be remedied in the proprietary and charter plantations except by act of Parliament,[a] and the whole matter was urged as part of the necessity for the bill of 1715 forfeiting all charters. After the failure of that bill, the practice continued, and in 1719 the attorney-general again reported that there was nothing in the charter of Pennsylvania to prohibit the reenactment of the substance of any law disallowed by the Crown.[b] So by this means an effective method of nullifying the royal veto was in use in Pennsylvania, and furnished a model of evasion to the other colonies. In consequence, Parliament requested the King in 1740 to send an instruction to all the colonial governors that they should assent to no law that had not a clause suspending its action until it had been transmitted to England for consideration. Nothing came of this at the time, but in 1752 such an instruction was inserted among those of the royal governors.

In general, therefore, the attempt to control legislation by a veto was successful in the royal provinces, but failed of effect in all charter colonies, except where a veto had been expressly reserved to the Crown. The effect of the charters was to check the operation of the royal veto, to foster the idea of legislative independence, and to develop in the colonists that feeling of responsibility for their own government that weakened their reliance upon the English administrative agents and their allegiance to the Crown. Especially was this true of Connecticut, of which it was written in 1740: "This government is a sort of republic. They acknowledge the king of Great Britain for Sovereign, but are not accountable to the Crown for any acts of government, legislative or administrative."[c] The other colonies looked with a degree of envy upon Connecticut, Rhode Island, and Maryland because of immunity from revision of their laws; and the complaint in the Declaration of Independence of the Crown's disallowance of "laws the most necessary and wholesome for the public good" may be traced in part to this feeling.

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a Ibid. Pl. Genl., K, 35. Printed in Chalmer's Opinions, pp. 338–340.
b Ibid., Props., Q, 171.
c Additional MSS. (British Museum), 30372, fo. 53.

Chapter IV.

PARLIAMENTARY PROCEEDINGS AGAINST THE CHARTERS.

TENDENCIES TOWARD UNION—BILL OF 1701—INFLUENCE OF THE ENGLISH CHURCH—BILL OF 1706—ACT UPON FOREIGN COIN—BILL OF 1715—DEFENSE OF CHARTERS.

TENDENCIES TOWARD UNION.

One heritage of the revolution of 1688, fraught with vast consequences to the American colonies, was the commencement of the second hundred-years' war between France and England and the need that ensued of defense and military equipment. No account of eighteenth-century administration can omit considering that the colonists suddenly found themselves confronted by the Indians organized by their French antagonists and ready to fall on their border settlements and to capture and massacre their inhabitants. The French, though vastly inferior in numbers, were rendered formidable by their centralized system of government, which gave the direction of affairs into the hands of one supreme governor and military commander; and the English colonists were at a disadvantage because of their lack of unity in plan and operation and the local jealousies that separated the provinces. The exposed colonies of New York and Massachusetts (on her Maine frontier) expected support from their neighbors in Pennsylvania, the Jerseys, Connecticut, and Rhode Island, which was at all times given with reluctance.

The previous union of New York and all the New England colonies under Andros formed a precedent, and in 1690 the militia of Connecticut and Rhode Island were put under the orders of Sir William Phips. After his disastrous Canadian expedition, while Fletcher was endeavoring to protect the New York borders against retaliatory raids, the command of the Connecticut militia was transferred to him by a special commission issued in 1693.[a] The Connecticut authorities resisted this as

[a] N. Y. Col. Docs., IV, 29.

an invasion of their charter rights, and Fletcher's attempt to enforce his authority has become a tradition among Connecticut historians. They tell how he came to Hartford with his suite, ordered the militia drawn up to listen to the reading of the royal document, how Captain Wadsworth ordered his drummers to drown the sound of the reading by the roll of their drums.[a] The colony immediately drew up a petition to the King, signed by 2,182 persons, requesting a continuation of their charter privilege to command their own militia,[b] and appointed Winthrop their agent to go to England and present their appeal.

Fletcher wrote in surprise and annoyance:

"I have been in this Collony 20 dayes laboreing to perswade a stubborne people to theire dewty. * * * [They] Have sepperated not only from the Church, But Crowne of England, and allowe of noe appeale from theire Courts nor the Lawes of England to have any force amongst them, some of the wissest have saide wee are not permitted to vote for any members of Parliam[t] and therefore not lyable to theire lawes. * * * I never sawe the like people They have raised a considerable Tax to send one M[r]. Winthrop theire Agent for England yett pay noe obedienc to the Crowne nether theire Agent or any in office have taken the oathes or subscribed the Test. I could not force obedience haveing noe Company but a few servants and two freinds nor did I think it the King's service to carry on the contest to Bloude tho they threaten to draw mine for urging my Masters right." [c]

Meanwhile the Rhode Island government had protested in like fashion against Phip's commission to command their troops, and had sent over a petition by their agent, Christopher Almy, for confirmation of their charter, adjustment of the eastern boundary, and continued command of their militia.[d] The attorney-general reported in favor of the validity of their charter, but reserved his opinion on the commission to Phips.[e]

The report on the petition of Connecticut maintained "that their Majesties may constitute a Chief Commander who may have authority at all times to command such proportion of the forces of each colony as their Majesties shall think fit and further in time of Invasion and approach of the enemy with

[a] Trumbull, History of Connecticut (New Haven, 1818), I, 390–369.
[b] Conn. Col. Recs., III, 102; N. Y. Col. Docs., iv, 69.
[c] N. Y. Col. Docs., IV, 71.
[d] B. of T. Papers, New England, Entry 1692–95, 117; printed in R. I. Col. Recs., III, 294–297.
[e] B. of T. Papers, New England, Entry 1692–95, 126; printed in R. I. Col. Recs., III, 293.

the advice and assistance of the governor of the colonies to conduct and command the rest of the forces."[a] Governor Fletcher, however, was instructed upon Winthrop's solicitation to refrain from asking more of Connecticut than a quota of 120 men.

Nevertheless a governor-general and commander in chief for all the northern colonies was strongly demanded by a large party in the colonies, composed of property owners and merchants—responsible men who felt the pressure of the French war and the need of more united action. A memorial was offered February 1, 1697, of the "Inhabitants, Traders, Proprietors etc. in the North parts of America being under very deep apprehensions, and discouragements from the late attempt of the French in these parts where we have in a manner lost our Fishing, Furr, Mast Timber, and Peltry Trade both at Newfoundland, New England and New York," the consequence will be the subversion and overthrow of these countries. This has emboldened us to ask that "some good form of Gov^{t} may be established for uniting of so many interests as is occasioned from diverse separate Gov^{ts} and to enable us for any attempt of the Enemy." We think the thing not impossible—

but may be so established under one Governour as to preserve to each their Civill Rights Properties and Customs even as in England, where notwithstanding the diverse Corporations of severall Towns in most of the Shires, yet for uniting and strength of the whole his Majesty hath in each County a Lord Lieutenant who hath command of the Forces of said province &c.

Now whereas under Said Gov^{ts} as they were joined from the year 1686 to 1689 great confusion did arise, the disorders whereof that then happened ought not to be attributed unto the Union of the Colonies but from the Exorbitant and Illegal Commissions then granted and the no lesse exorbitant manner of executing the same, the inconveniences may be prevented by the just and prudent measures which the Court may take in sending a person of worth and honour, whose power and Instructions may be under such regulations as may render his Gov^{t} easy to all, honourable to his Majesty and of advantage unto his realme &c. The Premises considered we humbly beseech your Lo^{ps} to take speedy resolutions therein and to make such Report to his Majesty as that your Pet^{rs} may have reliefe by joining all the several Gov^{ts}, Civill and military, under one head.[b]

This desire for union even went so far as to demand a single strong centralized government for all the northern provinces

[a] B. of T. Papers, Journal 7, 286.

[b] B. of T. Papers, New England, A, 53. There are 31 signatures.

to take the place of the "numerous little petty governments;"[a] but the Liberty party took exception to the desire for a civil head and the obliteration of colony lines, citing the charters as instruments that rendered this impossible, and the force of the movement spent itself in arranging for a commander in chief who should be civil governor of New Hampshire, Massachusetts, and New York and should have command of the militia of Rhode Island and Connecticut and the Jerseys, in time of war only.[b]

Mr. Edmund Harrison's memorial well explains the situation:

> The English colonies being planted at severall times and by distinct grants from the Crown having different interests in Trade, looke on themselves as so many distinct Principalities, are jealous of each other, and stand upon their separate Laws & Customs to the prejudice and weakening of the whole, for though they may be fifteen or twenty to one of the French, yet being without a Head in so many small Bodies and separate Interests may be an easy conquest to a smaller united Party. * * * That therefore such advantagious settlements may not be either ruined or cutt off from England it's humbly proposed as of absolute necessity that the Person His Majesty shall be pleased to send Governour of New England may also be the Civill Governour of New York and New Hampshire and Generall of all the Forces of New England, New York, New Hampshire, Connecticut, Rhode Island and the Jerseys * * * that no breach be made on any of the Grants and Privileges of the several provinces in their Civil affairs.[c]

Even this careful guarding of rights and privileges was not enough for the separatist interest of the several colonies. The agents of New York at once protested that "New England can not protect New York, nor New York New England," and that the governor's residence would be in Boston, their rival in trade, and so he would not be on hand for any sudden danger.[d] Mr. Samuel Allen, of New Hampshire, protested for his colony that it had been a separate government since 1682, and there was no more reason it should be submitted to Boston

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[a] B. of T. Papers, Entry A, 156. Benjamin Davis, of Boston, writes to his correspondent in London, Edward Hull: "Sir: We are in a sad posture for want of a settlement and help from the King. * * * Our people are very sorry that the King continues so many little petty governments with us, as Piscataqua and Rhode Island, which, if not altered, will be a means to ruin this government."

[b] B. of T. Journal, A, 393. Sir Henry Ashurst and Mr. Edmund Harrison declared to the board that they had, with several others, hastily signed the memorial for uniting the governments under one civil and military head. They wished the word "civil" omitted, which was accordingly arranged.

[c] B. of T. Papers, New England, A, 54.

[d] Ibid, A, 61.

than Pennsylvania, Carolina, New York, or Connecticut.[a] Winthrop presented a memorial against the project on behalf of his colony,[b] adding that if any "general commander should have power to draw out their forces contrary to the Rights of their Charter by which they have subsisted threescore years, it would be the absolute ruin of it."[c] Mr. Brenton, the agent for Rhode Island, while making a similar protest, said he believed that his colony would be willing to surrender its charter if suitably rewarded.[d]

The sentiment for union was very strong in view of the exigencies of the situation. An interesting letter from Capt. Stephen Sewall,[e] of Salem, Mass., dated November 2, 1696, declares that the people, worn out with watching against the French, are moving away to South Carolina and other southern colonies, and wishes His Majesty would reduce all the governments to three: New Hampshire, Massachusetts, Rhode Island, and Connecticut into one; New York, both Jerseys, and Pennsylvania into another; Maryland, Virginia, and the Carolinas into another;[f] and set a great nobleman and soldier over all the said governments "so that we might make one body and purse, and we sh'ld send all French and Indians a grazing quickly. If the king does not take pity, I do not know what will become of us. I propose this only for the pure good of all. I am a true Englishman and a loyal Williamite." This is also the time when William Penn proposed his "Briefe and Plaine Scheam" for a general Congress of the colonial representatives to "heare and Adjust all matters of Complaint or difference Betweene province & province," as intermigration, escape of fugitives from debt and justice, defense against common enemies, etc., with a commissioner appointed by the King as president of the Congress.[g]

The necessity for unity in military matters determined the board to represent to the King that "it is hardly possible the

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[a] B. of T. Papers, Entry A, 121.

[b] Ibid., A, 125..

[c] B. of T. Papers, Journal A, 393.

[d] Ibid, 49. Brenton, however, belonged to the King's party, and spoke without authority from his principals. If he was correct in his statement it was the only time a corporation colony offered the surrender of its charter.

[e] B. of T. Papers, New England, A, 64.

[f] An early perception of sectional grouping.

[g] B. of T. Papers, Pl. Genl. A, 40. Printed in full in N. Y. Col. Docs. IV, p. 296, 297; also in Frothingham, Rise of the Republic of the United States (Boston, 1892), pp. 111, 112.

colonies can be preserved without some Captain General." They recommended that one governor be appointed for the three royal colonies, who should have power to command militia in the three colonies under charters in time of war, according to the right expressed in the opinion of the attorney-general in 1694.[a] Lord Bellomont was thereupon chosen as the most suitable person to carry out this plan. The smaller corporation colonies made no immediate protest because the peace of Ryswick had been signed before he arrived in America, and thus this part of his commission was suspended.

All these bickerings concerning the control of the militia and the difficulty of securing unity of action for war had called the attention of the board of trade to the undesirability of charter governments. In a representation to the King the board affirmed that all other union except under a military head is "at present impracticable." Apparently a purpose was being formed to sweep away the charters as an impediment to their plans, and this project was being strengthened by the complaints against the colonies under charters that poured in from every side. That grave irregularities flourished under cover of these charters could not be denied. Lord Bellomont, whose policy was one of conciliation and support of the popular party, was obliged to report the evils of the Rhode Island government. There is such a "bloody crew of privateers at Rhode Island that that goverment can not rule them, that sober men are in fear of their lives," was said in 1697.[b] The Bahamas were similarly involved in connivance at piracy;[c] nor were the Carolinas, Pennsylvania, and the Jerseys free from like suspicions.[d] Contumacy in regard to illegal trade, sheltering of pirates, and protection of deserters, as well as the reports of confusion and disorder in several of the colonies under proprietary charters brought the matter to a focus, and the sole question was in regard to the method by which the charters could best be vacated. The prosecution in the courts was a slow process, and the growth of belief

[a] B. of T. Papers, New England, Entry A, 134.

[b] B. of T. Papers, New England, Entry A, 156. Letter from Benjamin Davis, of Boston.

[c] The Dutch ambassador complained of these islands June 29, 1699. B. of T. Papers, Props., Entry A, 460.

[d] Ibid., Props., Entry B, 69, 33; Entry C, 29; Maryland B, 8; Pl. Genl., A, 11.

in Parliamentary omnipotence suggested that an act of that body would be the simplest and most efficacious mode of vacating these obnoxious instruments.[a]

BILL OF 1701.

The King's officers in the colonies, and the disaffected or discarded proprietary governors fostered the purpose of the board of trade by constant complaints. Jeremiah Bass, a former governor of East Jersey, who was interestedly striving to destroy the proprietors' rights to government in that province in the hope of getting the King's commission for it, was a vigorous enemy of Penn and the Quaker proprieties.[b] Quary, who, as judge of the Pennsylvania Admiralty and the greatest merchant in the province, had his own profit to consider, desired to see Penn's charter confiscated.[c] Dudley, who was scheming to be sent as governor to Massachusetts, and wished to include Rhode Island and Connecticut in his commission, was active against the charters.[d] And, chief of all, Randolph, "prerogative's tool to Destroy the New England's charters,"[e] kept the matter before the board of trade. From the time of Randolph's return to the colonies, after pushing through the navigation act of 1696, he continually made complaints of the proprietary governments, intimating that they were not only independent, but were talking of cutting loose and setting up for themselves;[f] that illegal trade could not be suppressed in the adjacent King's colonies as long as Connecticut, Rhode Island, the Jerseys, and Pennsylvania, "adjoyning and intermixt" with these, enjoyed special privileges,[g] and that the King's revenue was thereby greatly diminished, which

[a] The board of trade represented to the House of Commons April 23, 1701: "Their independency making it absolutely necessary that some speedy and effectual care be taken to render them more subservient and useful to the Kingdom, which we conceive can not be otherwise well effected than by the legislative power of this Kingdom." B. of T. Papers, Pl. Genl., Entry B, 457. Penn wrote: "By nothing but downright Parliamentary omnipotency can my pretensions be overruled." Ibid., Props., G. 40.

[b] Pennsylvania Archives, I, 139.

[c] B. of T. Papers, Props., G, 40.

[d] Ashurst to Winthrop: "Dudley's going to New England, which hath been the bottom, of all." Mass. Hist. Colls., 6th series, III, 75.

[e] Letter of Penn. See Pennsylvania Archives, I, 139.

[f] Randolph to commissioners of customs, New Jersey Archives, 1st series, II, 116.

[g] B. of T. Papers, Pl. Genl., C. 18, August 25, 1698. Prince Society, Edward Randolph, V, 189–191.

mischief "will increase Till all the Proprieties are brought under his Maj^st^ Imediate Governm^t^."[a]

When Randolph arrived in England late in 1700[b] he found already well under way the project of presenting to that session of Parliament a bill for "Re-uniting to the Crown the Governments of several Colonies and plantations in America."[c] He was at once employed in drawing up accusations, hunting up witnesses, and arranging for counsel.[d] On February 19, 1701, he presented a paper "setting forth the Misdemeanours and male Administration of Gov^rs^ in y^e^ Proprieties and Charter Govn^ts^ of America,"[e] which, after citing the particular charges against the Bahama Islands, South Carolina, North Carolina, and Pennsylvania, Penn's lack of right to the three lower counties on the Delaware, the question as to the Jersey proprietorship, the faults of Connecticut, Rhode Island, and Massachusetts Bay, concludes: "These misdemeanors arise from proprietors not taking care to provide for the maintenance of their governors, so that honest men will not go out to live on the spoils and rapines of the proprieties;" that the proprietors have made no provision for defense, and that to suppress these growing evils the governments of all the proprieties should be vested in the Crown, saving all the rights of property in the land, as had already been done in the case of Maryland and New Hampshire.[f] March 5 Randolph presented another paper showing the bad conditions for defense, particularly in the proprietaries (the Quaker colonies of Pennsylvania and the Jerseys had no militia); and March 24 these two were combined into a paper marked "Articles of High Crimes: Misdemeanours Charged upon the Governours in the Severall Proprieties, on the Continent of America and

[a] B. of T. Papers, Pl. Genl., D, 48. Nov. 5, 1700. Prince Society, Edward Randolph, V, 239.

[b] Additional MSS. (British Museum) 9747, fo. 19. Letter to Blathwait. Penn indicated that Randolph's influence was on the wane about this time. See Pennsylvania Archives, I, 139.

[c] B. of T. Papers, Props., I, 16, gives text of the bill.

[d] Ashurst shows that the matter was a surprise. July 10, 1701, he wrote: "After I had pressed to be heard about y^r^ boundaries and also about y^r^ appeales, and that I might have Councill * * * I was told they were busy & could not attend to it. I thought then there was something a brewing by y^r^ old friends M^r^ D. & M^r^ Rand: and one Bass came in that was to doe all y^r^ busines at once, by continuing this Act of Parl., a copie whereof is here enclosed." Mass. Hist. Colls., 6th series, iii, 75.

[e] B. of T. Papers, Props., F, 69.

[f] Ibid. A portion printed in N. C. Col. Recs., I, 545.

Islands adjacent."[a] Two days later the board of trade made a representation to the King in council to the following effect:[b]

Having formerly on severall occasions humbly represented to your Majesty the state of the Government under Proprietors and Charters in America; and perceiving the irregularities of these Governments dayly to increase, to the prejudice of Trade, and of your Majesties other Plantations in America, as well as of your Majesties revenue arising from the Customes here, we find ourselves obliged at present humbly to represent to your Majesty;

That those Colonies in general have no ways answered the chief design for which such large Tracts of Land and such Priviledges and Immunities were granted by the Crown.

That they have not conformed themselves to the severall acts of Parliament for regulating Trade and Navigation, to which they ought to pay the same obedience, and submit to the same Restrictions as the other Plantations, which are subject to your Majesties immediate Government, on the contrary in most of these Proprieties and Charter Governments, the Governours have not applyed themselves to your Majesty for your approbation, nor have taken the Oaths required by the acts of Trade, both which Qualifications are made necessary by the late Act for preventing frauds and regulating abuses in the Plantation Trade.

That they have assumed to themselves a power to make Laws contrary and repugnant to the Laws of England, and directly prejudicial to Trade, some of them having refused to send hither such Laws as they had enacted, and others having sent them but very imperfectly.

That diverse of them have denyed appeals to your Majesty in Councill, by which not only the Inhabitants of those Colonies but others your Majesties subjects are deprived of that benefit, enjoyed in the Plantations, under your Majesties immediate Government, and the parties agrieved are left without remedy from the arbitrary and Illegal proceedings of their Courts.

That these Colonies continue to be the refuge and retreat of Pirates & Illegal Traders, and the receptacle of Goods imported thither from forreign parts contrary to Law: In return of which Commodities those of the growth of these Colonies are likewise contrary to Law exported to Forreign parts; All which is likewise much incouraged by their not admitting appeals as aforesaide.

That by raising and lowering their coin from time to time, to their particular advantage, and to the prejudice of other Colonies, By exempting their Inhabitants from Duties and Customes to which the other Colonies are subject, and by Harbouring of Servants and fugitives, these Governments tend greatly to the undermining the Trade and Welfare of the other Plantations, and seduce and draw away the People thereof; By which Diminution of Hands the rest of the Colonies more beneficial to England do very much suff[r]

[a] B. of T. Papers, Props., G, 3. Printed in New Jersey Archives, first series, II, 358; also Prince Society, Edward Randolph, v, 263–268.

[b] B. of T. Papers, Props., Entry C, 12. Printed in N. C. Col. Recs., I, 535.

That these Independent Colonies do turn the Course of Trade to the Promoting and proprogating woolen and other Manufactures proper to England, instead of applying their thoughts and Endeavours to the production of such commodities as are fit to be encouraged in these parts according to the true design and intention of such settlements.[a]

That they do not in general take any due care for their own defence and security against an Enemy, either in Building Forts or providing their Inhabitants with sufficient Armes and Amunition, in case they should be attacked, which is every day more and more to be apprehended, considering how the French pow^r encreases in those parts.

That this cheifly arises from the ill use they make of the powers entrusted to them by their Charters, and the Independency which they pretend to, and that each Government is obliged only to defend its self without any consideration had of their Neighbours, or of the general preservation of the whole.

That many of them have not a regular militia and some (particularly the Colonies of East and West New Jersey) are no otherwise at present than in a state of Anarchy and confusion.

And because the care of these and other great mischiefs in your Majesties Plantations and Colonies aforesaid, and the introducing such an administration of Government and fit regulation of Trade as may put them into a better State of Security and make them duly subservient and usefull to England, does every day become more and more necessary, and that your Majesties frequent Commands to them have not met with due complyance: We humbly conceive it may be expedient that the Charters of the severall Proprietors and others intitling them to absolute Government be reassumed to the Crown and these Colonies put into the same State and dependency as those of your Majesties other Plantations, without prejudice to any man's particular property and freehold. Which being no otherwise so well to be effected as by the Legislative power of this Kingdome.

Wee humbly submit the same to your Majesties Royal consideration.

The King, in council, having determined to accept the advice of the board of trade, the bill was introduced into the House of Lords, April 24, 1701, and ordered to its second reading the next week.[b] This bill provided for declaring void all clauses of the charters of Massachusetts Bay, New Hampshire, Rhode Island, and Providence Plantations, Connecticut in New England, East and West New Jersey, Pennsylvania and the adjacent Territories (Delaware), Maryland, Carolina, and the Bahama or Luca Islands in America, relating to the government, whereby any power or authority is granted to any person or persons from the Crown.

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[a] Larkin wrote: "I have seen as good Druggits of that countries make [Connecticut and Rhode Island] sold at 4 sh. and 4 sh. 6d. per yard as ever I saw in England in my life." B. of T. Papers, Maryland, Entry, B, 115."

[b] Journals of the House of Lords, XVII, 659b.

On the same day the board of trade presented to the House of Commons a full list of the irregularities and misdemeanors of the various charter and proprietary governments. Each one in turn was complained of—Rhode Island, for her reception of Lord Bellamont's inquiry into her irregularities and for "pretending by their charter to be independent of the Government of England;" Connecticut, for refusing the Hallam appeal and for the public declaration of her governor that no appeals should be allowed from thence; the Jerseys, for their utter confusion and unlawful trade; Pennsylvania, for opposition to the courts of Admiralty and for illegal trade, as represented by Colonel Quary;[a] the Carolinas and Bahamas for the misbehavior of their governors and harboring pirates. As to the proprietary and charter governments in general, "their independency making it absolutely necessary that some speedy and effectual Care be taken to render them more subservient and useful to this Kingdom," they propose the aforementioned bill.

This bill took the proprietors unawares. The board of trade employed Randolph to lobby for the Government,[b] and he was prepared with numerous witnesses and documents to push the bill forward. The first protest came from William Penn, jr., whose father, absent in Pennsylvania, was unable to use his influence, and who had no idea that the covert attacks upon his charter would take this form.[c] His son petitioned that "the Act seems to take away the estate of the Petitioner's father purchased from the Crown for a valuable consideration."[d] An order was given that he should be heard. Sir Henry Ashurst, the agent whom the Connecticut colony had been fortunate enough to appoint in February of this same year, for the matter of the Hallam appeal and the boundary dispute, used his utmost endeavors and his large influence

[a] He complained that "iron, linnen, wine, and other European commodities are sold there as cheap as in England."

[b] B. of T. Papers, Pl. Genl., entry C, 47. Prince Society, Edward Randolph, V, 273, 274. Letter to Lords of the Treasury to furnish Randolph with money, as the board of trade had given him orders to follow the matter for the Crown. His bill is a curious document, including amounts spent on the witnesses, "keeping them together in the old palace yard, 5sh., 8d.; dining them the same dayse, £2, 8sh., 12d.; keeping witnesses together, 8sh., 6d.," etc. Sum total, £96, 11s. 6d. P. R. O. Treasury Papers, LXXV, 8.

[c] Penn wrote, in 1700, "At what a pass, then, are proprietary Govmts, who unless they will run their heads agst the wall are in danger of being quo warranto'd by the late Act agst Piracy."

[d] Journal of House of Lords, XVI, 660b.

to defeat the passage of the bill. May 5 he wrote: "I am soliciting the Lords day and night that if the bill must pass, to leave out yo^r^ Colony; you have this reputation none of the Coloneys hath, a person of my quality to appear for them."[a] Persons of still higher quality were concerned in opposition—the proprietors of the Carolinas and Bahamas—but they made a rather languid defense, being present by counsel and in the person of their secretary but once. Possibly they were not averse to being relieved of the government of these tumultuous and unprofitable possessions. Lord Baltimore, although not exercising his proprietary right in Maryland, was represented by counsel; but the brunt of the defense fell upon the Penns and Sir Henry Ashurst.

The second reading was set for April 29, but postponed until May 8. Meanwhile Randolph poured in papers from the Admiralty, the commissioners of customs, and the board of trade,[b] summoned witnesses, and tried every possible influence to promote the speedy passage of the bill. Its second reading was passed May 23. During the course of the campaign, Randolph intimated that his enemies were threatening him with arrest, and requested the protection of the House, which was granted.[c] But the pressure of the near proroguing of Parliament was too much even for the persistency and zeal of Randolph. June 11, after the third reading had been postponed four times, he reported to the board that there was no probability of the passage of the bill at this session, and requested permission to take the affidavits of several witnesses for future use.[d] Ashurst intimated in a letter to the Connecticut governor that he used a certain interest he possessed in the House of Lords to have the bill delayed,[e] but declares that they must send over some one to defend it in the next session.

The early dissolution of Parliament, on the departure of the King for Ireland, checked but in no wise disconcerted the board and the promoters of the bill. It only served as a pre-

[a] Mass. Hist. Colls., 6th series, III, 62. Sir Henry enlarged upon the value of his services, but there was much danger that the bill would pass the House of Lords, at least.

[b] Secretary Popple drew up a list of complaints of each colony stretching back for some years. B. of T Papers, Props., entry C, 67.

[c] Journal of House of Lords, XVI, 686b.

[d] B. of T. Papers, Journal F, 85.

[e] Mass. Hist. Colls., 6th series, III, 75. Saltonstall thinks Ashurst's methods would better be kept quiet or they might prove disadvantageous to the colony.

lude to further efforts. July 16, 1701, Bass presented a memorial suggesting a commission of investigation into the state of proprietary and charter governments.[a] Thereupon the board ordered letters to be sent to Governor Blakiston in Maryland and Governor Nicholson in Virginia to get proofs of the charges, and the same instructions to be given to Dudley, Cornbury, and Randolph, who were preparing to go to America.[b] In the letter to Blakiston they said: "The bill, by reason of shortness of time and the multiplicity of other business, not having passed into an act, and it being very probable that the same matter may again come under consideration the next session, you are instructed,"[c] etc. Ashurst wrote, November 1, 1701, to his Connecticut clients: "You must be prepared against another attempt upon yo[r] charter by Act of Parl. Insolvent Randall (Randolph) & D. & another nameless friend[d] was and are very active gentlemen against all proprietary governments."[e] Penn wrote: "Those who seek to ruin the proprietaries, they say, will renew their bill, but try the Commons first."[f] Penn himself made vigorous efforts to defeat the bill, raising a subscription among the Quakers in Pennsylvania to be used against it.[g] In 1702 he wrote: "The Jersey's surrender is an ugly preface, however there is a higher hand to which I look.[h] The Lords of Trade have promised me to receive no complaints without the party sending them give them to the party they are sent against upon the spot * * * that no body may be murdered in the dark. A great reformative relief and for which American governments owe me their good will."[i]

Even the good offices of Ashurst and Penn proved unavailing; the charters were to be placed in jeopardy once more. The board continued to represent the defenseless state of these colonies, which, in view of imminent war, was a serious charge, and in February, 1702, one of the secretaries of state sent the

[a] B. of T. Papers, Props., G, 22.
[b] Ibid., Journal F, 107.
[c] B. of T. Papers, Maryland, Entry B, 86.
[d] Lord Cornbury, without doubt.
[e] Mass. Hist. Colls., 6th series, III, 85.
[f] Penn to Logan, January 4, 1702.
[g] B. of T. Papers, Pl. Gen'l, E, 31.
[h] Quary claimed that Penn trusted his influence at court to carry through all his measures.
[i] Janney, Life of Penn (Philadelphia, 1883), p. 458.

board the heads of a new bill.[a] It proposed that the military government by sea and land should be reunited to the Crown, that the person deputed by the King as commander in chief should superintend the customs and admiralty officers, that the civil authority and administration should rest where they were (as they did in corporations in England where the King had his governors); but that justice should run in the King's name, appeals above £300 value lie to him, and he should have a negative on all laws. Had the board of trade been content with these reasonable and moderate proposals, which a few years before they would have considered as embodying their policy, it is quite probable that such a bill could have been carried. But the board replied that they were not "adapted to Proprieties in Generall nor are they proper for Pennsylvania in particular," that the chief ends proposed were to render the colonies mutually defensive, to suppress illegal trade and piracy, and prevent the escape of fugitives, "and that the Produce of the whole should be turned to the Benefit of England." This they thought could not be accomplished by these propositions, and they preferred the bill of the last session.[b] They were considering this matter for several days, and February 23 a counselor of the treasury informed the board that he had been directed to solicit the bill.[c] But on March 3 the King unexpectedly died and Parliament was dissolved. This sudden turn of affairs and the downfall of the Tory ministry put an end to the first attempt at a wholesale confiscation of the charters by Parliamentary action.

THE INFLUENCE OF THE ENGLISH CHURCH.

The bill of 1701 was but a prelude to a second and more persistent attack upon the corporation and proprietary governments. It had formed an excellent precedent, had called attention to the misdemeanors of these governments, and had raised up a large crop of avaricious enemies, who hoped to exploit these colonies to their own advantage. After his failure to lobby through the bill of 1701,[d] Edward Randolph seems

[a] B. of T. Papers, Props., H, 13.
[b] B. of T. Papers, Props., Entry C, 383.
[c] Ibid., Journal F, 336, 338.
[d] B. of T. Papers, Journals, show that after his final return to America his reports were shelved. He died in 1703, and was buried on the eastern shore of Virginia.

to have fallen into disrepute with the board. But his place both as surveyor-general of customs in America and as opponent in chief of the corporation and proprietary governments was actively filled by Robert Quary, formerly governor for a brief time of South Carolina, later judge of the Admiralty in Pennsylvania.[a]

Lord Cornbury, the dissolute heir of the Earl of Clarendon and cousin of the queen, had been appointed the new governor of New York, and Joseph Dudley,[b] the renegade Puritan, had been placed in charge of Massachusetts. Both looked with envious eyes on the two small but thriving colonies east and south of their respective governments, and set systematically to work to abolish the charters of these colonies and annex their territories to their commands.[c] Cornbury had already been gratified by an additional commission for the government of the two Jerseys, whose proprietors had made a forced surrender of their governmental rights to the Crown.[d] "We hear that the latter (the Jerseys) have surrendered their government to the King, which will be a leading case to the rest," wrote an inhabitant of Pennsylvania to the governor of Maryland at this time.[e] In a word, all those who were "gaping for preferment under the specious pretense of serving the King's interest"[f] were looking to the downfall of the corporation and proprietary colonies as their best chance and inciting the enmity of the board of trade by continued accusations.

A plan seems to have been on foot to introduce a bill for the overthrow of the charters in Queen Anne's first Parliament, of December, 1702; but the board wrote to Dudley January 26, 1703, that "the time is too far spent to expect it

[a] In South Carolina Quary was accused of complicity with pirates and deposed from his governorship (Historical Collections of South Carolina, I, 86). Possibly this accounts for his opposition to proprietaries. McCrady tries to clear him of the charge; but his record in Pennsylvania was not flawless.

[b] Ashurst claimed he might have prevented Dudley's appointment had he been commissioned to do so. Mass. Hist. Colls., 6th series, III, 39.

[c] Dudley's "son declared to a gentleman in his company at Stoningtown that within a year my L[d] Cornbury would make 2 of his Commission[rs] (both of this province [Connecticut] & who had shown themselves with the greatest heat ag[t]. the interests of this Government) magistrates of this government, but we hope he will prove as false a prophet as accuser." Governor and council of Connecticut to Sir Henry Ashurst, August 29, 1705. Mass. Hist. Colls., 6th series, III, 304.

[d] See Chapter II, ante.

[e] B. of T. Papers, Props., K, 44.

[f] Ibid., Props., G., 40, letter of William Penn.

from this present session."[a] In order, however, that the matter should be kept prominent, every possible opportunity was seized for presenting the project to the notice of the Queen in council. For example, in a representation on the subject of governors' salaries, April 2, 1703, the board concludes:

> As to Proprietary and Charter Colonies, viz. Rhode Island, Connecticut, Pennsylvania, Carolina, and the Bahama Islands we cannot propose anything upon this occasion. The governours of those colonies not being appointed by your Maj'ty, and depending upon the proprietors or People from whom they have mean uncertain salaries, which encourages them to connive at unlawful trade and other irregularities which mischief can only be remedied as we humbly conceive by reducing these colonies to an immediate dependence on the Crown.[b]

Thus the people of the corporation colonies as well as the proprietors were kept in anxiety concerning their charter rights and privileges. William Penn, after a hard fight with Quary before the board concerning the admiralty powers in his government, realized the temper of that body as adverse to all proprietary governments, and decided to follow the example of his New Jersey friends, and by making his own terms of surrender to get out of the difficulty before his charter was annulled in Parliament. May 11, 1703, he wrote to the board:

> "Hon^{able} Friends Since I observe your bent is extreamly strong to bring all proprietary Governments more immediately under the disposition of the Crown and the disadvantage they are and must be under on that account, I thought fit to lett you know that upon a just regard for the security of me and the people in our Civil rights * * * I shall upon satisfaction resigne to the Crown the Government thereof."[c]

With Penn, therefore, showing signs of yielding, with the pressure for union caused by the new French war, and the complete loss of the proprietary colony of the Bahamas, captured and sacked by the French and Spaniards in June and again in September, 1703,[d] and with the return to power in England of the Tory party,

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[a] B. of T. Papers, New England, Entry D, 374.

[b] Privy Council Register, 1701–4, p. 356.

[c] B. of T. Papers, Props., L, 28. See ante, ch. 2.

[d] Ibid., Props., M. 2. A letter describing the capture of the Bahamas says: "These islands were out of the Queen's protection and independent of the Crown (one of the ill effects of Charters) * * * I hope this will induce the Queen to take that Government (and all the rest for they lye alike exposed) into her immediate protection. The naked and defenseless posture of the Proprieties in gen'll are unanswerable motives were there no others."

which believed in prerogative and supported the projects of the governors of New York and Massachusetts,[a] there seemed few chances for the continuation of governments under charters.

In addition to all these forces set in motion against the charter colonies, another agency was acting powerfully in opposition to them, because they were the homes and refuges of dissenters from the Church of England. Queen Anne was a devout and rigid supporter of the Establishment, and the English Dissenters, who had been tolerated and protected under William III, were being hard pressed by the test act and the occasional conformity bill. Meanwhile their colonial brethren, so long the dominant class in New England, New York, Pennsylvania, the Jerseys, and the Carolinas, found the powerful engine of the church establishment in use against their privileges and liberties.[b]

Up to this time but few congregations of the Church of England had been organized in the Independent and Quaker colonies. King's Chapel, Boston, was a relic of the era of Andros. Christ Church, Philadelphia, founded in 1695, was an active center of the opposition to the Quaker ascendency and the proprietors' government.[c] About the beginning of the reign of Queen Anne a new impetus was given to the Church of England party in the colonies by the organization for work therein of a missionary society known as the "Society for the Propagation of the Gospel." Its charter, granted in 1701, recites that, being informed that the provision for ministers in many of the plantations beyond the seas is very mean, and that many English subjects lack the administration of the sacrament, this organization has been incorporated to remedy such condition of affairs.[d] The first meeting was held at Lambeth June 27, and August 15 the society entered upon an inquiry into the religious state of the colonies, seeking information from colonial governors, from merchants,

[a] Cornbury's uncle, Lord Rochester, was a member of the Tory cabinet of 1702. Blathwait was Dudley's patron.

[b] Penn wrote, August 26, 1901. "Nor is it the powers of Govm't alone that is here contended for. Liberties and the first inducem^ts to undertake so hazardous and difficult an Enterprise are struck at by that Bill, and must inevitably fall if carried on upon the bottom it now stands." B. of T. Papers, Props., G., 40.

[c] B. of T. Papers, Props., G., 13. Petitions from the vestry of Christ Church complaining of the unjust discrimination against the Church of England on the part of Penn and the Assembly.

[d] Abstract of Charter (1702), British Museum pamphlet.

and from the board of trade. Dudley furnished the information for New England, and Col. Lewis Morris for the Jerseys and Pennsylvania.[a] The report of 1702 says that "first having got the best information they could of the present state of the Christian religion in our American Plantations they find that in some places it is so sad and deplorable that there are scarce any footsteps of Religion to be seen among them."[b] In consequence the Rev. George Keith, with the Rev. Patrick Gordon, were sent out as itinerant missionaries, on the same ship with Dudley and Morris.[c] Morris wrote about this time, "If the Church can be settled in New England it pulls up schisme in America by the roots, that being the fountain that supplies with infectious streame all the rest of America."[d]

In Boston, Dudley[e] seems to have played a double part, often attending King's Chapel and taking pains to let the authorities in England know of his zeal for the Established Church, while on the other hand he curried favor with the Congregational party by assuring them that at heart he was still an Independent, and by continuing his membership in the church of his fathers.[f] In New York, Lord Cornbury attempted to prove his zeal for the Queen's service by supporting the Establishment, and forcing laws upon the assembly for the payment of Church of England clergymen, combined with a petty persecution of the dissenting sects, especially the Puritans upon Long Island.[g] In Pennsylvania, Quary was the leader of the Church party, and was using its influence to overthrow the proprietary government.[h] It was at this time, also, that the High Church party in South Caro-

[a] Digest of the Society (3d edition, 1892).

[b] Account of the Society (1706), British Museum pamphlet.

[c] S. P. G.—A. MSS., I, 9. Keith, Travels (London, 1706).

[d] S. P. G.—A. MSS., I, 45.

[e] Ibid., I, 9. Keith wrote, June 12, 1702: "Our worthy friend Governour Dudley is well * * * his Conversation [on the voyage] was both pleasant and instructive insomuch that the great Cabin of the ship was like a Colledge for good Discourse in matters Theological and Philosophical, and very cordially he joined with us in divine worship, and I well understand he purposeth to give All possible encouragement to the Congregation of the Church of England in this place [Boston]."

[f] Palfrey, History of New England, IV, 297.

[g] S. P. G.—A. MSS. I, 50, 54, 105.

[h] In 1704 the vestry of Christ Church, Philadelphia, petitioned Cornbury to persuade the Queen to take over the government of Pennsylvania, and appoint him governor. Penn charged that this was done by a packed vestry. (B. of T. Papers, Props., M, 22.) Keith was also making complaints and charges against the "great deficiency of Quaker Government." (S. P. G.—A. MSS., I, 89, 103, 119, 121; II, 23.)

lina, relying upon the support of the palatine, endeavored to drive the Dissenters from the assembly. The inhabitants of this colony were vigorously protesting against this policy, and the Society for the Propagation of the Gospel appointed a committee to act with the Archbishop of Canterbury and the Bishop of London in the House of Lords. Not until afterwards did the members learn that they had thus unwittingly played into the hands of the Dissenting party.[a] All this indicates that the new society was mixing in politics, and that its influence would be exerted in favor of the revocation of charter rights and the appointment of royal governors who would be zealous for the Church Establishment.

Events in Connecticut were typical. In 1703 the society reported that "In all the Provinces east of New York there are no Church of England congregations, neither in Connecticut, Narragansett, Plimouth, New Hampshire or Mayne, except at Boston." In 1704 Colonel Heathcote, of New York, who had a manor house on the borders of Connecticut, was elected a member of the Society for the Propagation of the Gospel, and, being a zealous churchman, looked about to see what could be done to further its interests in his neighborhood. November 9, 1705, he wrote a long letter to the society describing the colony of Connecticut and the opportunity it afforded for missionary labors.

> There is no place on the Continent from whence ye church can have so fair an Opportunity to make Impressions upon ye Dissenters as in that Government. * * * It contains in length about 140 miles and has in it about 40 towns in each of which there is a Presbyterian or Independent Minister settled by their Law. * * * They have an abundance of odd kind of Laws to prevent any Disenting from their Church and they look upon the Church as their most dangerous enemy. More than half the people think our Church to be little better than the Papist.

He admits that the work will be difficult and will meet with bitter opposition, but thinks the people should be undeceived in regard to the church and have an opportunity to have their children baptized.[b] In accordance with his suggestion, he and a Mr. Muirson, a missionary of the society settled at Rye, N. Y., went on an itinerary into Connecticut, both of them

[a] S. P. G.—A. MSS., II, 68, 149; III, 152. See Chap. II, ante, the Carolinas.
[b] S. P. G., A. MSS., II, 117.

being fully armed. Colonel Heathcote wrote to the society that "their ministers were very uneasy at our coming and abundance of pains were taken to persuade & terrify the people from hearing Mr. Muirson but it availed nothing."[a] It is probable that but for the support and presence of so considerable a gentleman as Colonel Heathcote the Church of England missionary might have been imprisoned.[b] On his second coming into the colony there was a still greater commotion. "One of the Magistrates with some other Officers came to my Lodgings on Saturday and in the hearing of Colonel Heathcote and a great many people read a long paper. The meaning of it was to let me know that theirs was a Charter Government that I had done an *illegal* thing in coming among them to establish new ways of worship," wrote Mr. Muirson to the secretary,[c] complaining in detail of these laws, "which being repugnant to the Laws of England is contrary to the grant of their Charter. And which I humbly presume if our Gracious Queen was acquainted with Her Maj'ty wou'd be pleased to disannull the same, or at least make it ineffectual against the settling the Nationall Church." The society took immediate steps to secure the repeal of this law,[d] entitled "Ecclesiastical," but recommended gentle means to their missionary.[e] Thereupon Colonel Heathcote replied:

> It would be a great breach of prudence and discretion to act otherwise for we are here in an enemies country and by the Laws they pretend to govern themselves: Independency & Presbytery are the established Churches and the Church of England the only Dissenters and indeed the only people they unwillingliest wou'd admit to have Liberty of Conscience amongst them.[f] I am sorry any body shou'd be so unjust in giving the Society an Acct of ye people of this Colony as that they are a well meaning & not a heady people, nothing being more true than the contrary.

That the opposition of the Connecticut people to the Church of England missionary was due in part to their fear that it would militate against the continuance of their charter seems

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[a] S. P. G., A. MSS., II, 165.

[b] Ibid., III, 156, 173. Colonel Heathcote was being urged for governor of New York, and the Society for the Propagation of the Gospel was supporting him.

[c] S. P. G., A. MSS., III, 76; April 14, 1707.

[d] S. P. G., Journal, I, 127.

[e] Ibid., A. MSS., III, 168.

[f] Ibid., A. MSS., III, 187.

evident from a letter to the secretary of the society, somewhat later (July 25, 1710):

> By this conveyance come some papers from Connecticut * * * there want not those who say there are some entertain hopes of overturning the Government, and *wou'd use the Church as an engine to do it*, how true that is I dare not say.[a]

BILL OF 1706.

The active opposition of the ecclesiastical authorities, added to the private schemes of the governors of Massachusetts and New York, the public accusations of the customs officials,[b] and the strong desire of the board of trade to produce uniformity in colonial administration, led to new attempts to introduce into Parliament a bill to destroy all colonial charters.

Dudley had brought over with him a commission similar to Lord Bellomont's to command the Connecticut militia[c] and also that of Rhode Island. As soon as he had arranged affairs in Boston he went on to Rhode Island to publish this commission.[d] Thereupon "the Quakers raged indecently, saying they were ensnared and injured," and refused his right to review the militia, signifying "they would rather lose all at once than by pieces," and insisting that, by their charter, power of the militia was granted them. Dudley intimated that the majority of the people would pray to be taken under the Queen's government, but dared not. The board in consequence helped on his scheme by representing that, this being an "extraordinary exigency," Dudley should be appointed governor.[e] The petition of the colony in justification of their action was presented by William Penn, who served them as agent in this emergency, and by whose influence the danger of a royal governor was averted.

Dudley then accused Rhode Island of opposition to the Admiralty court, and secured the repeal of an act of the Rhode Island assembly, whereby they claimed Admiralty jurisdic-

[a] S. P. G., A. MSS., v. 143. A church was founded at Stratford, with Muirson as pastor, but after his death, in 1709, no missionary was appointed for Connecticut until 1722.

[b] Representation of a custom-house official in New York, June 26, 1703: "All the labor and industry in the proprietary governments is of no advantage to the Crown." Harleian MSS. (British Museum), 6273, No. 1.

[c] Ashurst secured a restriction in that of Connecticut, that the militia was only to be called out for Connecticut's defense. Mass. Hist. Colls., 6th series, III, 119.

[d] B. of T. Papers, New England, Entry D, 285.

[e] Ibid., Props., Entry D, 244.

tion.[a] His claim that they had refused to allow the condemnation of a valuable prize ship that had been captured by a privateer[b] and brought into Newport awoke a chorus of indignation against Dudley, who had declined to condemn the prize without a bribe of £50 from the owners of the privateer.[c] The testimony of the Admiralty officers in favor of the colony made him drop this charge in regard to the Admiralty for others that could be better substantiated. The irregularity most likely to be condemnatory was that concerning war and defense. Dudley complained that seamen and impressed soldiers escaped by scores to the charter governments, which refused all assistance in times of extreme danger.[d] Cornbury put in the same charges against Connecticut, "who will not raise a Quota until they have applied to the Queen & received her answer."[e] He urged the confiscation of their charter on this ground, and because they filled Long Island with contraband goods, and the people of the east end of that island chafed at belonging to New York and were "full of New England principles." He wrote, September, 1703, that Rhode Island and Connecticut would not furnish their quota until compelled to, either by some act of Parliament or such other method as the Queen shall use. "They hate anybody that owns subjection to the Queen. That our people find every day; for if any of our merchants of this place goes to sue for a just debt in the court of Connecticut, to be sure he shall have no right if his suite is against one of that colony."[f] Dudley represented that, taxes being much lower in these colonies, many inhabitants of Massachusetts were enticed away and the prosecution of the war suffered.[g] All these charges were successively represented to the Queen by the board[h] and led to the attempt to appoint royal governors for these colonies in 1704.[i] Sir Henry Ashurst wrote concerning these charges: "I am sence-

[a] B. of T. Papers, Props., M 3. The Board of Trade suggested that the passage of such an act was sufficient to justify forfeiture of their charter, but the attorney-general decided otherwise.

[b] Ibid., New England, M, 37; Entry E, 92.

[c] B. of T. Papers, New England, P. 36, 37.

[d] Ibid., New England, N, 22, 38; Entry E, 346.

[e] Ibid., New York, W, 27, 28, 30.

[f] Ibid., New York, W, 30, Printed N. Y. Col. Docs., IV,. 1070.

[g] Ibid., New England, N, 38.

[h] Representations of Board of Trade, July 16, 1703, B. of T. Papers, New England, Entry E, 92; Jan. 13, 1704, B. of T. Papers, Props., Entry D, 403; Feb. 16, 1704, B. of T. Papers, New England, Entry E, 206; July 10, 1704, Ibid., New England, Entry E, 358.

[i] See ante, ch. 3.

able Dud: & Co. doe complain of yo^r not sending yo^r quota that they may put the money in their pocketts.[a] * * * There is nothing of his complaints but strickes at the Gouvernment, and therefore the Generall Assembly ought so to take it; and if once you are hectored or worried out of yo^r gouvernment, then fairwel to yo^r libertyes."[b]

Failing in the attempt to secure the governorship of these colonies by executive action, the board revived the old project of a bill against all the charters, and sent to the governors of New York and Massachusetts to serve notice on the governors of Rhode Island and Connecticut and to produce evidence and depositions of witnesses to prove their charges.[c] The charges were a repetition of the previous ones, that these colonies broke the acts of trade, harbored pirates, concealed deserters, refused quotas for the war, protected debtors, forbade the laws of England to be pleaded in their courts, denied appeals, rejected the vice-admiralty commissions and commissions to command their militia.[d] In addition, Rhode Island was charged with disrespect and contumely toward Governor Dudley, and Connecticut with having an ecclesiastical law "which extends even to the Church of England."[e] The charges against the two small corporation colonies were received by Dudley and Cornbury in July, 1705, and they at once took every means at hand to procure proof of all past misdemeanors of Rhode Island and Connecticut. Both complain of the difficulty of procuring evidence, "lesser persons being afraid to be known to attend me, alledging they cannot live in their province in peace, if it once be known they have given evidence against."[f] After three months' persistency Dudley sent over his affidavits in proof of his charges, saying that he hopes they are very plain, that he has taken all manner of pains with them.[g] An examination of the proofs shows the slight foundation on

[a] The charges against Dudley for taking bribes were not confined to this occasion. See Mass Hist. Colls., 6th series, III, 384.

[b] Mass. Hist. Colls., 6th series, III, 298.

[c] B. of T. Papers, Props., N, 42, April 18, 1705; Journal, I, 361

[d] B. of T. Papers, Props., Entry D, 134; Entry E, 140. Printed in R. I. Col. Recs., IV, 14.

[e] This was part of the Society for the Propagation of the Gospel's activity.

[f] B. of T. Papers, New England, P, 68; Dudley to the Board, November 1, 1705. Cornbury wrote that the magistrates frightened the people from coming to him. Ibid., New York, V, 22.

[g] Ibid., New England, P, 68, 77.

which such a superstructure of charges was built. In reply to the thirteen specific charges, Dudley secured the testimony of but two men, James Menzies, "a practioner in the Rhode Island" courts, evidently one of his tools, and Nathaniel Coddington, who had a personal grievance against the Rhode Island government.[a] In rebuttal of the serious charges made against them, the Rhode Island government took immediate steps for their own defense. They appointed an English Quaker, Wharton, as their agent, and sent him an answer in detail, which was duly presented to the board.[b] Most of the charges they stoutly denied. In regard to the quota, they had been informed by counsel learned in law that they were not obliged to furnish a quota to other provinces; nevertheless they have done so and their militia did good service in defending the frontier. They were also a "frontier by sea," and had raised large taxes for fortifications.

Cornbury and Dudley furnished the Connecticut government, at its request, with a list of the charges against them. Winthrop courteously replied to Dudley that "it happens well they are fallen in your hands, who as I know you can, soe I hope you will certify to their Lordships they are wholly groundless."[c] But Dudley sent over a list of proofs,[d] including Hallam and Palmes's appeal case, and charges that Connecticut had refused a quota for the war. Cornbury's affidavits in regard to Connecticut are interesting. He inclosed a book of their laws, marking several as being repugnant to the laws of England, and saying that the first law abrogates all the laws of England at once.[e] He inclosed a long list of depositions[f] proving the ecclesiastical arrangements for town rates for the minister's salary, and that no other service except that authorized was permitted. For the breach of this rule two men were then in gaol. He inclosed many papers that had been used in the Hallam appeal case, and even brought up the harboring of the regicides, Whalley and Goffe, after the Restoration of 1660. A certain Sackett testified that he was talking with the high sheriff of New London, who said "that they had nothing to doe with the Queen nor ye Queen hath nothing

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[a] Dudley's affidavits are in B. of T. Papers, Props., O, 12, 13, 14.
[b] Ibid., Props., O, 27.
[c] Ibid., 19.
[d] Ibid., 20.
[e] B. of T. Papers, New York, V, 22.
[f] B. of T. Papers, Props., O, 39–47.

to doe with them for they would Loose their Lives before they would loose their privileges except the Queen herselfe came to Demand it."[a] And at New Haven he had heard one say that "they would never loose their Charter and their priviledges, they would first Loose their Lives or words to that effect."[b] The captain of the fort at Saybrook said that "if ye Queen sent any of her officers to take away any of their privileges that they had Good arms and men to Defend themselves and would doe it, and would serve them worse than ever S^r^ Edmund Andros ye late Gov^r^ of New York was served."[b]

Meanwhile the difficulty with the Mohegan Indians arose, which was to drag on so many weary years, and this increased the colony's jeopardy.[c] It was a land-grabbing scheme concocted by Dudley and his associates, and entered into by the disappointed Palmes and Hallam, of the appeal case. The Indian sachem, Owaneco, son and heir of Unca, who stood by the colony in the Pequot war, was prevailed upon to consider himself and his tribe as wronged by the appropriation of their lands by the Connecticut government and to deed his title in these lands to the aforementioned gentlemen. They thereupon conveyed Owaneco to London, where he posed as an Indian prince, and his wrongs were commented upon and enlarged. Blathwayt, one of the board of trade, became Owaneco's patron,[d] and succeeded in getting a commission appointed to investigate the Indians' claims on the ground. It was to be composed of the chief enemies of the colony and presided over by Dudley.[e] In August, 1705, he came down to Stonington in great state, and, arrogantly refusing to notify the colonial government, held the court of commission against the protest of the Connecticut authorities.[f] After a pretended inquiry, which examined the evidence for one side only (the Connecticut authorities forbade the recognition of the jurisdiction of the commission), a verdict was given in the Indians' favor, and judgment was pronounced that the colony should immediately vacate their lands and pay the costs of the

[a] B. of T. Papers, Props., O. 47.

[b] Ibid.

[c] See "Mohegan Land Controversy," New Haven Historical Society Papers, III, 205; also "Talcott Papers," Connecticut Historical Society Collections, IV. The case was not settled until 1771.

[d] Mass. Hist. Colls., 6th series, III, 378.

[e] Commission empowered March 3, 1704.

[f] B. of T. Papers, Props., O, 8; S., 67, give a full rehearsal of the case.

investigation. These were placed at the enormous sum of £573 12s. 8d.[a] Dudley also complained of insolent treatment by the colonial authorities, and his letters, reaching England at this same time, insinuated that the orders of the royal commission would not be obeyed, and thus made the case against the colony all the darker.

The animus of the board of trade is shown by the fact that they waited neither for the proofs and affidavits of the charges they had sent over nor for the colonies' replies, but on the receipt of a letter from Dudley, dated July 25, 1705, complaining of the slothfulness of the two small colonies in sending men and money for the war,[b] they sent in a representation to the privy council that both Connecticut and Rhode Island continued disobedient.[c] This provoked an order in council of the same date (December 20, 1705), directing them to enumerate the several misfeasances and illegal proceedings of the said charter governments and proprieties in America and the advantages that would arise from reducing them.[d] The board took up the matter with alacrity. By January 10, 1706, it had drawn up an elaborate accusation of the charter governments, repeating, on the authority of Dudley and Cornbury, the charges already cited, and adding to them the general accusations that the colonies broke the acts of trade, did not present their governors for Her Majesty's allowance, denied appeals, made laws contrary to those of England, harbored pirates and deserting soldiers, and the more specific charges that they encouraged woolen manufactures, refused obedience to the royal commissions and proclamations (especially to that in regard to coin[e]), and in general misused the powers intrusted them by their charters and assumed an independency detrimental to the good of the colonies and the Kingdom.[f] Following this general representation, the irregularities of Massachusetts, Rhode Island, and Connecticut were cited in detail, including the report of the Mohegan commission, just received. No mention was made of the Carolinas or Pennsyl-

[a] B. of T. Papers, Props., O, 8.

[b] Ibid., New England, P, 68. Dudley demanded that the quota of Connecticut should be in the same proportion as in the former New England Confederation, 60 to 100 for Massachusetts, which was a disproportionate amount at this time.

[c] Ibid., New England, Entry F, 65.

[d] Ibid., New England, P, 67.

[e] See post.

[f] B. of T. Papers, Props., Entry E, 238. Printed in part in N. C. Recs., i, 630–633.

vania, but a postscript described the loss of the Bahamas, through the failure of the proprietors to protect them. The result was what the enemies of the charters had hoped—an order in council was speedily drawn[a] to bring in a second bill against the charters, this time in the House of Commons. It was entitled "A Bill for the better Regulation of Charter and Proprietary Governments in America and for the Encouragement of the Trade of this Kingdom and of Her Majesties Plantations," and was a modification of the bill of 1701,[b] omitting New Hampshire and the Jerseys, and making no mention of the "adjacent territories" of Pennsylvania. Instead of repealing certain clauses in the charters, it vested in the Queen the sole power of governing and of appointing magistrates, with a reservation that the laws passed previously by the assemblies and approved by the Crown were to be in force, but hereafter all laws must receive the governor's assent and appeals must be allowed as in her Majesty's other plantations. The bill was submitted for the board's approval,[c] and was presented to the House of Commons by Mr. Blathwayt[d] February 23, 1706.

But the Tory majority was already weakening and Sir Henry Ashurst[e] was able to use his Whig influence to such advantage that the bill never reached a second reading.[f] In fact, the influence of the arch conspirators against the chartered privileges of Rhode Island and Connecticut had begun to wane. Cornbury had made himself so unpopular and had amassed such an array of debts that protests against continuing him in office were already being heard in high places; and spite of his great connections, the Queen was obliged to supersede him in 1708.[g] Dudley, too, found himself in much

[a] B. of T. Papers, Props., O, 28, February 7, 1706.

[b] Ibid., Props., Entry E, 324.

[c] Ibid.

[d] House of Commons Journals, xv, 151.

[e] His cousin, Lord Cowper, had superseded a Tory as Chancellor in 1705.

[f] Palfrey, History of New England, iv, 369, says that the bill passed the Commons, but was thrown out in the House of Lords. The House of Commons Journal proves otherwise. Ashurst wrote May 4, 1706: "They brought in a bill last sessions of Parliament to take away your charter, but I made such interest against it with some of the leading men of the House so that it was thrown out at the first reading. I have the vanity to say that if you had not employed me you would have been in a sad condition this day." To the governor and council of Connecticut. Mass. Hist. Colls., 6th series, iii, 384.

[g] S. P. G.—A. MSS. "I hear there is another gov^r coming for these provinces [New York and Jerseys] people are sorry 'tis another Lord, for they say there never came a good one to these parts."

trouble. He was accused of treacherous correspondence with the French.[a] His friend and patron, William Blathwayt, was removed from the board of trade early in 1707, and, in fact, the entire board was changed and put into Whig hands. Dudley maintained himself by truckling and backing down from all the positions he had taken. In October, 1706, he asked pardon for his zeal and defended himself against the charges of personal interest in the Mohegan matter, protesting against the enmity of Sir Henry Ashurst, and hoping he would not be made a sacrifice to Connecticut and Rhode Island and their agent, who were angry at his obedience to the Queen's commands.[b] In May of this same year Sir Henry Ashurst wrote to Winthrop: "I hope Mr. Dudley for his great guilt will be turned out of his government. * * * I told the Lords that if the Queen would give me £1,000 per annum for me and my heirs to undergoe the trouble and expence I have had (for sixteen years last past) to obstruct the designes and malicious contrivances of one man to oppress and enslave N: England, I would not accept it."[c] But Dudley's power for harming them was nearly at an end. He wrote the new board in most obsequious terms and with great laudations of the Rhode Island authorities;[d] and Ashurst informed the Connecticut authorities that they no longer need fear if they kept within the bounds of their charter privileges and passed no laws repugnant to those of England.[e]

Thus the second attempt to annul the charters of the American colonies by Parliamentary action came to nought. The Whig and dissenting interests in England regained power in time to serve their brethren on the farther side of the Atlantic.

ACT UPON FOREIGN COIN.

The new board of trade, appointed in 1707, adopted a somewhat different method of obtaining information in regard to the proprietary and corporation colonies. Instead of depend-

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[a] Palfrey, New England, IV, 297.

[b] B. of T. Papers, New England, Entry E, 267. A commission of review in the Mohegan land case was secured by Ashurst, but Cornbury was placed at its head, so Dudley was not censured.

[c] Mass. Hist. Colls., 6th series, III, 324.

[d] B. of T. Papers, New England, Entry F, 463.

[e] Mass. Hist. Colls., 6th series, III, 378.

ing upon the chance information of neighboring royal governors, they sent out a circular letter to all the proprietary colonies requiring their own governors to give information of the colonies' condition from time to time, and propounding a series of questions to be answered as to the number and occupations of the inhabitants, the militia arrangements, the state of trade and manufactures, and the form of the government.[a] The answers to these queries form a valuable source of information for the conditions of the colonies in the early eighteenth century.

The policy of the reorganized board in opposition to the charter privileges does not appear to have taken immediate shape. But complaints still came to them of illegal trading, and that the principles propagated in the chartered colonies infected those under direct royal control and stimulated them in opposition to the English policy. The specific complaint that led the board to take action was of their disobedience to a royal proclamation fixing the values of the foreign coins that passed current in the colonies. It arose from a report of the governor of Barbados that the island colonies were being drained of their coin by those of the mainland, especially those under proprietors. The lack of a mint in the colonies[b] and the constant loss of specie by the enforced English trade made the problem of currency a very serious one. William Penn wrote in 1701: "The whole continent labours under the want of money to circulate trade in the respective Governments, which has put Boston herself upon thinking of Tickets to supply ye want of coyn, and New York as well as this Province are following."[c] Several of the colonies sought to maintain a balance of coin in their favor by receiving it at higher rates than it passed current elsewhere, and a bill passed by the Massachusetts assembly to that effect attracted the notice of the board of trade in 1703. The attorney-general was consulted to know whether the Queen might not by royal prerogative fix the rates of foreign coin for the colonies,[d] and he gave it as his opinion that these might be prescribed in the

[a] B. of T. Papers, Props., Entry E, 462. A similar form for New York is printed in N. Y. Col. Docs., V, 5–7.

[b] A proposition to establish a mint was rejected by the board of trade in 1700. Locke, however, favored the plan. B. of T. Papers, Pl. Genl., D, 43; Journal, E, 110.

[c] B. of T. Papers, Props., G, 12.

[d] Ibid., Pl. Genl., Entry C, 249.

proprieties as well as in other governments.[a] Accordingly the Queen, after consultation with the lord treasurer, issued such a proclamation June 18, 1704,[b] and sent it to the proprietors with an estimate made by the master of the English mint.

The difficulty of enforcing this ordinance was very great. Governor Evans, of Pennsylvania, wrote that he had published the proclamation, but that the merchants would not conform to it. This was due to "no slack in the governor," but to "that liberty that Trading men will always take in their own bargains."[c] Cornbury made its nonobservance a cause of complaint against the Connecticut government.[d] In 1705 the board consulted the attorney-general, saying that, being daily pressed by complaints from the plantations of the unsettled state of coin, they wished to know whether the proclamation should be revoked or reenforced,[e] to which he replied that the rates fixed by the proclamation were legal tender throughout the colonies, but it could not be considered an offense in private persons to receive coins at a higher rate, and that the mischief could only be remedied, as it had been in England, by an act of Parliament, laying a penalty on all persons receiving these coins at higher than legal rates. If the governments of the proprieties made laws to give the coins a higher rate than that fixed by the proclamation they would forfeit their charters, or at least the law making powers embodied in them, but they could not be held responsible for the acts of particular colonists.[f]

The matter being merged in the bill of 1706, it was not considered separately until after the failure of that measure. In 1707 the board took it up again, and on June 10 made a representation to the Queen in council on the complaint of the Barbadians, citing the above opinion of the attorney-general, and requesting a bill for enforcing the proclamation and also one that propriety and charter governments be brought under Her Majesty's immediate government.[g] This

[a] B. of T. Papers, Pl. Genl., F, 16.

[b] Ibid., Pl. Genl., G, 1. The estimate of value of foreign coins; pieces of eight varied from £4 6s. to £3 7½s., according to date and place of coinage.

[c] Ibid., Props., N, 364.

[d] See list of complaints, January 10, 1706, ante.

[e] B. of T. Papers, Pl. Genl., Entry D, 108.

[f] B. of T. Papers, Pl. Genl., H, 20.

[g] Ibid., Pl. Genl., Entry D, 143.

was followed by a similar representation to the House of Lords November 27 of the same year.[a] The Lords' committee ordered the board to lay before them the charges they had prepared against the charter governments of Rhode Island and Connecticut or any propriety government.[b] In response the board sent all the papers connected with the bill of 1706, as well as a copy of the bill itself.[c] The bill for "ascertaining the Rates of Foreign Coins in Her Majesty's Plantations in America" went through Parliament in due course.[d] It provided for fine and imprisonment of any who took foreign coins at a greater than the legal rate; but the rider to forfeit the charters of the colonies was smothered in the committee of the House of Lords and never came before Parliament.[e]

BILL OF 1715.

For several years after this the colonies with charters were exempt from fears of their revocation. Not until 1712 was alarm again felt. The Tory goverment, under the leadership of Bolingbroke, seems to have meditated some sweeping change in the colonial system which should increase the royal prerogative and render the system of government more uniform.[f] This doubtless arose from the negotiations for the peace of Utrecht and the necessity for arranging a government for the new territory ceded by the French. Connecticut appointed a committee to consult with Rhode Island and Massachusetts, and sent their agent £300 to be used in defeating the design.[g] Their precautions were apparently successful, or else the speedy demise of Queen Anne (August 1, 1714) and the break up of the Tory party hindered the fulfillment of the project.

The New England colonies and the dissenting interests throughout America hailed the accession of the first George with great joy. They felt that their difficulties with the

[a] Missing in the papers of the board of trade.

[b] B. of T. Papers, Props., P, 16, January 7, 1708.

[c] Ibid., Journal M, 8.

[d] Statutes of the Realm, 6 Anne, c. 30.

[e] This action does not appear to have been known in the colonies or to have created any alarm. Penn was in treaty for a surrender of his government, and his favor at court may have been used to kill this portion of the act.

[f] Connecticut Colonial Records, IV, 410. Their agent, Dummer, informed the colony that a design was on foot for a new modeling of the plantations and an altering in the civil governments. August 1, 1713.

[g] Ibid., 414.

home government would henceforth be slight. Dudley was superseded by the change. Quary, their persistent enemy in the customs office, was dead. Complaints were much fewer than previously and less circumstantial. Nevertheless, one of the first acts of the new Whig government was to bring in a bill, August, 1715, for the forfeiture of all the charters. The occasion for it was the attack of the confederated Indians upon the South Carolina settlements and the threatened extermination of that colony. The colonists in despair appealed to the proprietors, and they in turn to the Government, for soldiers and aid in their extremity. The agents of the colonists, who had recently been sent over to protest with the proprietors against the extraordinary powers granted to Nicholas Trott, chief justice of the colony, had received these instructions: "In case the proprietors do not redress our grievances * * * we direct you to apply yourselves to a superior power."[a] They lost no time in appealing both to the board of trade and to Parliament,[b] asking that South Carolina might be taken directly under royal government. The board therefore demanded at once of the proprietors whether, in consideration of military relief furnished, they would be "willing to surrender their Government to the King."[c] The proprietors promptly refused, saying that several of their number were minors and could not surrender their right, but if the King would advance them money in this exigency he could hold a lien on the colony for repayment.[d] Thereupon the board laid the matter before the secretary of state, July 19, 1715, and suggested that the King, by legislative action, take the distressed colony directly under his protection.[e] This seemed all the more desirable since the Bahamas, held by the same proprietors, had lain waste and defenseless for many years.

The committee of the House of Commons, to whom had been referred the petition of the agents and of several merchants on behalf of Carolina, ordered the board to furnish them with all papers they had upon this subject,[f] and August 10 leave was given to bring in a "Bill for the better regula-

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[a] McCrady, History of South Carolina, I, 531.
[b] House of Commons Journal XVIII, August 2, 1715.
[c] B. of T. Papers, Props., Entry F, 442.
[d] Ibid., Props., Q. 48.
[e] Ibid., Props., Entry F, 454.
[f] Ibid., Props., Q. 51, 52; Entry F, 461.

tion of Charter and Proprietary Governments."[a] The following day the board of trade discussed the bill and agreed to the draft as sent them.[b] William Popple, their secretary, was employed in prosecuting it, and August 13 and 15 it passed the first and second readings, respectively.[c] This sudden and unexpected danger to the proprietorships and governments under charters produced a storm of petitions to save the interest of various persons. Lord Guilford, guardian of the minor Lord Baltimore, appealed in his behalf. The guardians of the minor proprietors of the Carolinas, as well as the trustees of the Penn estate and the agents of Massachusetts, Connecticut,[d] and Rhode Island[e] put in their protests.[f] These petitions and the evident injustice that would be done to many subjects by the passing of this bill, as well as the influence of Lord Cartaret (afterwards the famous Lord Granville, who was already becoming prominent and had recently become palatine of Carolina), prevailed with the committee of the House, which smothered the bill in committee. It was at this time that Jeremiah Dummer wrote his famous Defence of the New England Charters. It was not published, however, until 1721, when it was dedicated to Lord Cartaret, then secretary of state.[g]

This was the last attempt of the legislative power of England to vacate all the colonial charters at one blow, and "unsummoned, unheard, deprived them in one day" of their valuable privileges.

DEFENSE OF CHARTERS.

The bill of 1715 had been warded off, but alarm continued to be felt for the charters. The Connecticut assembly thought it necessary to encourage their agent with sufficient money

[a] The text of this bill is not among the papers of the board of trade, nor have I found it but evidence points to its being a reproduction of that of 1706.

[b] Ibid., Journals, R., 216, 217.

[c] The desire to increase the Crown revenues was one large motive in introducing this bill. Blathwait was now collector of customs revenues for America, and he had reported, April 14, 1714, that the charter governments did not hold themselves accountable to the Crown for any report of their revenues. Cal. Treas. Papers, CLXXIV, 56.

[d] Jeremiah Dummer succeeded Sir Henry Ashurst as agent for both Massachusetts and Connecticut in 1710.

[e] Richard Partridge was the Rhode Island agent, Palfrey says, appointed for this emergency. There would scarcely seem to have been time to so commission him.

[f] House of Commons Journal, XVIII, August 10–19, 1715.

[g] Tyler, History of American Literature (New York, 1878), says this was not published until 1728. The British Museum copy is dated 1721, and it was the exigencies of that year that called for its publication.

for extraordinary charges in the future.[a] The new governor of Massachusetts sought to gain favor with his colony by promising to defend its charter if attacked.[b] Such precautions were not needless. Complaints continued to come in from those who hoped to profit by charter revocation.[c] Cummings, custom-house officer at Boston, wrote in 1717: "The Charter Governments are all enemies of the prerogative, and it would be a service to the Crown if they were all taken away."[d] The board of trade continued to make to the King representations to that effect, which might have been more effective had not that bureau become by this time something of a sinecure and of slight importance in dictating policy. July 9, 1719, on presenting some Pennsylvania laws that had been examined, they reported, "We are of opinion that the plantations will never be upon a right foot until the dominion of all the proprietary colonies be resumed to the Crown;"[e] and in 1721, encouraged by their success in placing Carolina under a royal governor, their representation was sufficiently strong to cause alarm among the proprietors and the colonial agents.[f] It was thought wise to publish Dummer's "Defence," and in the dedication to Lord Carteret he says: "Having lately had the Honour of presenting the Humble Address of the Province of the Massachusetts Bay to His Majesty for the continuance of their Charter Privileges, which they apprehend in some Danger; It seem'd agreeable at the same time to explain the Right which the Charter Governments have to those Privileges." Then follow his four famous arguments:

"1. Charter governments have a good and undoubted right to their charters.

"2. That they have not forfeited them by misgovernment or maladministration.

"3. That if they had, it is not to the interest of the Crown to accept these forfeitures.

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a Conn. Col. Recs., IV, 522. Is this a hint of the method by which the bill was defeated?

b Mass. Hist. Colls., 5th series, VII, 77. Letter from Governor Burgess, February 13, 1716.

c B. of T. Papers, Props., Q, 81. A memorial from a British merchant offering the suggestion that, by taxing the products of Great Britain the colonies "ipso facto forfeit their charters."

d Ibid., New England, V, 134.

e B. of T. Papers, Props., Entry G, 204.

f This was occasioned by a quarrel between Governor Shute and the assembly in Massachusetts. Palfrey, History of New England, IV, 415, note. The memorial of the board is printed in N. Y. Col. Docs., V, 603.

"4. Observations on the extraordinary method of proceeding against charters by a bill in Parliament."

In regard to the second point at issue, he called attention to the fact that it was impossible for arbitrary power to be exercised in the charter governments, since the people had a remedy in their own hands in the frequent election of magistrates. "The Fact is apparent that these Governments, far from retrenching the Liberty of the Subject, have improv'd it in some important Articles." He instanced the enrollment of lands, the choice of juries, the easy, quick, and cheap redress in the courts of law, as compared with the delays and expense of the English courts. In regard to the third point he wrote:

> The sum of my argument is, That the benefit which *Great-Britain* receives from the Plantations, arises from their Commerce: That Oppression is the most opposite Thing in the World to Commerce, and the most destructive Enemy it can have: That Governours have in all Times, and in all Countries, bin too much inclin'd to oppress: And consequently, it cannot be the Interest of the Nation to increase their Power and lessen the Liberties of the People. I am so sanguine in this Opinion, that I really think it would be for the Service of the Crown and Nation to incorporate those Governments which have no charters, rather than Disfranchize those that have.

And finally, on the method employed during the past twenty years, Dummer concludes:

> It seems therefore a Severity without a Precedent, that a People who have the Misfortune of being a Thousand Leagues distant from their Sovereign, a Misfortune great enough in it self, should UNSUMMON'D, UNHEARD, IN ONE DAY be deprived of all their valuable Privileges, which they and their Fathers have enjoy'd for near a Hundred Years. It's true, the Legislative Power is absolute and unaccountable, and King, Lords and Commons may do what they please; but the Question here is not about *Power*, but *Right: And shall not the Supream Judicature of all the Nation do right?* One may say, that what the Parliament can't do justly, they can't do at all. *In maximis minima est licentia.* The higher the Power is, the greater Caution is to be us'd in the Execution of it, because the Sufferer is helpless and without Resort.

This polemic made a strong impression and had the desired effect. Legislative action against the charters was checked, and the board of trade contented themselves with attempts to secure the voluntary surrender of the charters, either by payment, as in the case of the Carolinas and Pennsylvania, or by making the advantages of surrender apparent to the corpora-

tion colonies. The latter plan was tried with Rhode Island and Connecticut during the boundary disputes between those two colonies in 1723. In a representation of the board of trade, to whom the matter had been referred from the privy council, after signifying their opinion in regard to the boundary right, they concluded:

> Considering therefore the matter in Dispute has no relation to private Property, that the contest, which is purely for Government and Jurisdiction has already lasted sixty years * * * it were to be wished they would both voluntarily submit themselves to His Majesty's immediate Government, as some other Colonies have done, and that they might be annexed to New Hampshire.[a]

An order in council was accordingly issued to that effect and sent over for the colonies to consider and reply.[b]

Rhode Island was at this very time petitioning against a bond being taken of her governor to observe the Acts of Trade as contrary to their charter,[c] and this appears to have aided the desire for surrender. The replies of the two colonies were characteristic and interisting. The response for Rhode Island, drawn up by the hand of her aged governor, Samuel Cranston, is rambling, conciliatory, and full of references to her past history and pioneer sufferings. It concludes:

> Upon the whole wee humbly pray that their Lordships will believe wee have a Tincture of the ancient Brittish Blood in our veines and that wee esteem our libertys and property granted by our Royall Charter equall to any Corporation in great Brittain, tho not of like value, and we hope our loyalty and conduct for the service and Interest of the Crown of great Brittaine hath no wayes merritted the forfeiture of so valuable a Blessing.[d]

The answer of the Connecticut authorities is a dignified, courteous protest against a surrender, and a State paper of great ability and force.[e] "We cannot but be sensible," it begins, "of the Justice and Hon[r] as well as favour of the present Ministry and Administration in the Method which They have thus thought fit to make use of, by referring a Question of such concern as this is, to the Corporations themselves * * *

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[a] B. of T. Papers, Props., G, 280. March 22, 1723.

[b] Ibid., Props., R, 43.

[c] Ibid., Props., R. 44.

[d] Ibid., Props., R, 46, Newport, November 26, 1723. Not in R. I. Col. Recs., but see iv, 334.

[e] Ibid., Props., R, 49, New Haven, October 28, 1723. The handwriting is that of Hezekiah Wyllys, secretary of the assembly, but doubtless Governor Salstonall superintended the drawing up of so important a document.

whereas other more forcible Methods formerly attempted have not been thought reconcileable to the Common Rights holden by the Laws and Customs of our Nation. Of which, we, of these Corporations, as well as some in Great Britain have not long since had experience." The paper goes on to cite the troubles of the reign of James II, and the subsequent restoration of the charters which was "thought worthy of that glorious Revolution, which was occasioned by them." "You are therefore, hereby directed in plainest terms," they say to the secretary of the board, "to acquaint their Lordships that we can't think It to our interest to resign our Charter. But on the Contrary, as we are assured, that we have never by any Act of disobedience to the Crown, made any forfeiture of the Priviledges we hold by It: So we shall endeavour to make It manifest, and defend our Right, whenever it shall be called in question."[a] This firm and decided refusal seems to have been accepted by the board in the spirit in which it was tendered, for in 1726, making a representation on the boundary matter, they reported that Connecticut and Rhode Island were not willing to be annexed to any of His Majesty's governments, or to surrender their charters.[b]

The administrative authorities did not cease, however, to represent to the Government on every occasion the importance of a uniform system for the colonies, and the advantage of seizing all the charters in favor of the King's prerogative. Thus, in a much-quoted paper on the "State of the Plantations," drawn up in 1721,[c] the board, among considerations for improving and enlarging His Majesty's dominions in America, recommended that the laws and constitutions of the plantations could be rendered much more perfect if the King's commands met with due observance in the proprietary and charter governments.

> This is the great obstacle which has hitherto made it impracticable to put the Plantations in General upon a better Foot, & therefore we shall beg leave to mention some of those inconveniences, that have arisen from the

[a] These two papers of Connecticut and Rhode Island are printed in full in the Documentary Appendix. It is believed they have not heretofore been published.

[b] B. of T. Papers, Props., G, 346. Connecticut had another alarm over her charter in 1729 on the question of the intestacy law (see chapter three ante), and instructed her agents not to go before Parliament, if it would endanger her charter. Conn. Col. Recs., VII, 254.

[c] B. of T. Papers, Pl. Genl., Entry E, 286; also King's MSS. (British Museum), 205. Printed in N. Y. Col. Docs., V, 591–629.

large powers & Privileges subsisting by virtue of several Charters, granted by your Majesty's Royal Predecessors, whereby not only the soil but likewise the dominion or Government of several Colonies is absolutely alienated from the Crown, to certain proprietors, who far from imploying the said Powers and Privileges to the use for which they were designed, as we find by former reports from this Board, have frequently refused obedience to such orders as have been given by your Majesty's Royal Predecessors, have broken thro' the Laws of Trade and Navigation, made Laws of their own Contrary to those of Great Britain, given shelter to Pirates and Outlaws, and refuse to contribute to the Defence of the neibouring Colonies under your Majesty's immediate Government even in cases of the greatest emergency, altho' they would not have been able to subsist themselves without the assistance of their Neibours.

The indictment continues, that in general they had shown "too great an inclination to be independent of their mother Kingdom" and "that it hath ever been the Wisdom, not only of Great Britain but likewise of all other states to secure by all Possible means the intire, absolute and immediate dependency of their Colonies." The most effectual plan would be to revoke all charters and put the whole of America under one lord lieutenant or captain-general, from whom all governors should receive orders and with whom there should be associated two councilors from each plantation.

A novel method was undertaken by the board in this period of insisting on the acceptance of an explanatory charter, which defined more closely the privileges granted in the original document. That for Massachusetts has already been described.[a] In 1730, in a representation to the King on the question of the Connecticut intestacy law, the board, while recommending the grant of the petition to confirm the colonial law, suggested that the people of Connecticut also ought to submit to an "Explanatory Charter," whereby the people of that colony may be at least as dependent upon the Crown as were those of Massachusetts. "And we think ourselves the rather bound in Duty to offer this to His Majesty's consideration because the People of Connecticut have hitherto affected so intire an Independency of the Crown of Great Britain that they have not for many years transmitted any of their Laws for His Majesty's consideration, nor any accounts of their Publick Transactions."

Nor did the board of trade fail to keep before Parliament the anomolies of the corporation and proprietary govern-

[a] See Ch. II, ante.

ments. In the report made to the House of Commons in 1732[a] attention was called to the fact that Maryland, Connecticut, and Rhode Island were not required to submit their laws for approval or disallowance, and that in the two latter corporations "almost the whole Power of the Crown is delegated to the People," and that it is not surprising that governments constituted like these "should be guilty of many irregularities in point of Trade as well as in other respects." Also that the trades carried on and the manufactures set up detrimental to the trade of Great Britain were chiefly in New England, where chartered governments with the little dependence which they had upon their mother country and the small restraints they were under rendered this easy.

Again, in 1734,[b] they repeated the same complaints, which led to the resolutions of the committee of the House of Commons already mentioned in regard to the repeal and transmission of laws, and the commissioning of governors in the corporation colonies.[c] But all these attempts against the charters were without result. After the purchase of the government of the Carolinas and the Bahamas, only Maryland and Pennsylvania remained in the hands of proprietors. Of the New England colonies under charters the only one of importance was under a royal governor. The insignificance of the small corporations of Rhode Island and Connecticut secured their perpetuation. The ineffectiveness of the representations of the board of trade at this period was in part due also to the obscurity into which it had sunk,[d] and to the determination of the ministers to preserve the status quo and to avoid being plunged in disputes with the colonies. The functions of the board of trade were almost wholly usurped by the committee of the privy council for plantation affairs, which showed a spasmodic interest only when complaints were made affecting trade and revenue.

The only new proprietary colony organized after the revolution of 1688 was that of Georgia. Its charter shows the limitations with which the government saw fit to surround even a charitable scheme when asking for a definite patent of incor-

[a] B. of T. Papers, Pl. Genl., Entry F, 253.

[b] Additional MSS. (British Museum), 33,028, fº 246.

[c] See ante, chapter 3.

[d] The attendance was very small, but two or three being present at the board meetings after 1735.

poration. The trustees were to make a complete report to the secretaries of state and commissioners of trade and plantations each year. The governor must be approved by the Crown and take the usual oath, and the military defense of the province was not to rest with the proprietary governor, but to be in the hands of a royal appointee, the governor of South Carolina. Moreover, conflict between the executive and legislature was to be avoided by withholding the legislative power from the colonists. On the contrary, the trustees were to draw up all laws and ordinances and submit them for approval to the privy council. Finally, the entire government of the colony should revert, after twenty-one years, to the Crown. Clearly the prerogative was to be secured, though the expense and difficulties of founding the colony were to be undertaken by the corporation.

The chief affairs that came before the board of trade in the period between the last bill against the charters and the renewal of the French wars (1715–1744) were of an economic nature, such as the growth of manufactures in the colonies, the issue of paper money, and the import duties on English manufactures. In these matters the colonies under charters stood on a similar footing with the others. The French wars brought again into strong relief the necessity for union, and one of the objections made by Connecticut and Rhode Island to the Albany plan of union in 1754 was the fear that it might conflict with their charter rights. In one dispute, that between the colonists and proprietors of Pennsylvania in regard to taxing the proprietary estates, the board of trade, in opposition to its earlier policy, sided with the proprietors and maintained that the interposition of the Crown was especially necessary to support the prerogative delegated to them.[a]

The decline, therefore, in the importance of the Board of Trade and Plantations, the inertia of the Whig system of government under the two first Georges, and more than all, the vast respect of the English mind for vested interests and the conservatism that maintains the established order of things, had brought it to pass that governments under charter provisions, and thus removed from the direct control of the Crown, endured until the Revolution, and exercised a forma-

[a] Pa. Col. Recs., VIII, 525–552.

tive influence on American political institutions. The charters proved important only by their negative effect in sheltering the colonies from English interference, but also by furnishing positive ideals of political independence and popular control, which grew more and more powerful as the century progressed. Well did Quary predict in 1703 that "*a frown* from *Her Majesty* now can *do more than perhaps an army hereafter.*"[a] The frown proving ineffectual in 1703, the army was no more successful three-quarters of a century later.

[a] Harleian MSS. (British Museum) 6273, No. 1.

Conclusion.

The following conclusions may be reached, summarizing the results of this study: In the first place, the grants of charters for North American colonies, either to corporations or to proprietaries, ceased when English colonial administration developed and became efficient. Secondly, the period of greatest hostility to the charters extended over about thirty-five years, from 1685 to 1720; and after the overthrow of the Stuart despotism the chief agent in this opposition was the newly established organ of colonial administration, the Board of Trade and Plantations. Thirdly, this period of struggle to vacate the colonial charters corresponds with the time when the board of trade was an active, energetic element in English administration. It seems to reveal a definite purpose on their part to reduce the American governments to a uniform type and to exercise a more complete bureaucratic control over their institutions and development. Possibly this policy was partly due to admiration for French colonial policy. Fourthly, three methods were employed in proceeding against the charters: (1) Dealing with the corporations and proprietors individually, in order to secure the surrender of their governmental powers either voluntarily or by prosecution in the courts; (2) asserting the prerogative within chartered limits and securing some measure of control over the executive, judiciary, or legislature; (3) vacating all the charters at once by Parliamentary action. The last failed entirely, the second succeeded in a limited degree, and the first was the most successful. By its means the charter of Massachusetts Bay was limited; the charters of the Jerseys, the Carolinas, and the Bahamas were yielded up, and that of Pennsylvania was retained in the hands of the proprietors only by accident.

In the next place, it may be observed that the loyalty of the colonists to their charters was strongest and the greatest efforts were made to maintain them in the corporation colonies where popular sovereignty found its most complete and consistent expression. In the proprietaries the attitude of the colonists toward the charters depended entirely upon the measure of protection which the charters assured them, whether in maintaining religious liberty or in developing local democratic institutions. In other words, only in so far as the proprietors ceased to be the holders of a fief and became the executives of a democracy did the people support their proprietary rights and desire the continuance of their charters. We must, therefore, question Mr. Doyle's conclusion[a] that it would have been a gain to colonial administration and the development of the American plantations had one of the bills attempted in 1701 or 1706 or 1715 passed into a law. Had the corporation and proprietary types of colonial government disappeared and all the colonies been assimilated politically to the provincial form, the variety and vitality of American institutions must have been lessened, the ideal of popular sovereignty dimmed, and the growth of democratic forms checked. In consequence our State and national constitutions would have been less popular, less republican, and less distinctively American than they are.

Finally, the colonies under charters exercised much influence upon the royal colonies and made them restive under administrative control. As early as 1703 a Pennsylvania judge of the Admiralty wrote that the example of the proprietary and charter colonies put the others "on trying projects and trials of skill with their governors."[b] About the same time a persistent enemy of charter governments wrote to the board of trade: "This makes the people of the Queen's Governments murmur and repine, and puts them on thinking what should be the reason their next neighbours and fellow-subjects should enjoy more Ease, Liberty and Freedome under the proprietor's Government than they do or can under her Majesty. And that which aggravates their Discontents, these people of the proprietary Governments make it their business to upbraid and reflect on them as being slaves and miserable

[a] Doyle, Puritan Colonies in America, II, 402–404.
[b] Harleian MSS. (British Museum), 6273, f° 1.

in comparison with themselves."[a] The persistence, therefore, of two corporation colonies and two proprietary colonies until the Revolution has a significance greater than their importance would denote. The ideal of colonial government which they furnished rendered the other colonies dissatisfied, it paved the way for united opposition to England, and, after American independence had been won, it played a large rôle in developing the new governments, Federal as well as State.

[a] B. of T. Papers, Pl. Gen., E 31. The term "proprietary" is used in a general sense to denote all colonies under charters.

REPLY OF RHODE ISLAND TO REQUEST FOR SURRENDERING CHARTER.[a]

NEWPORT *Nov. 26, 1723*

I have communicated Your Letter with the propositions and advice of the Right Honorable the Lords Comissioners for Trade and Plantations etc. to the Generall Assembly of this his Maj^{ts} Colony sitting in Newport the 26th of November 1723, who requested mee in their Name to returne the following memorial and answer to their Lordships.

Viz with all due and humble submission they pray their Lordships will be pleased to consider that their Predicessors with great Perrill and charge Transported themselves and Families from their Native Country of Great Brittain to this then a Wild and Howling Wilderness (as great part is to this day) Inhabited by Salvage and Barbarous People, and Beasts of Prey, we shall not Instance or insist on the particulars of the great Sufferings, and cruell hardships they Suffered and encountered with after their arrival in the Massachusetts Bay before they were compelled to seek Shelter and releif among the great Body of Salvage Nations within the precincts & confines of this Colony who (by the Christian deportment and winning behaviour of our Said Predicessors) was by the Divine Providence of God become Gentle and compassionate, considered their distressed condition and granted them Liberty to erect Hutts and digg Cellars among them to Skreen and Shelter them from the Extremity of the Weather and by their Christian demeaniour and conversation as afores^{d} the Natives in a Little time became more familiar and sold them considerable Tracts of Land as the Towneship of Providence, Pautuxet, Warwick and Misquament alias Westerly, so that as their number increased they associated together Purchased

[a] B. of T. Papers, Props. R, 46.

Rhode Island and the rest of the Islands in the Narraganset Bay it will exceed our present purpose to innumerate or particularize the unaccountable Hardship Labour and discouragement they met with from the Neighbouring Goverments, and before they could Subdue and Cultivate a little Land to raise some corne and keep a little Stock of Creatures to subsist them selves and families, but through their great Labour industry and paines with the Blessing of God they made such improvement in a few Years, as incouraged them to Petition his Royall Majesty King Charles the first for a Charter of Incorporation which they obtained from the Earle of Warwick &ct with Meets, Cutts, and Bounds, the King then being Imbroiled in the Civill Warrs by his Rebellious Subjects, the original Charter then Granted, you have with you.

* * * * *

We answer to their Lordshipps first proposition about quieting the difference between this Goverment and the Goverment of Connecticut with humble Submission and due regard to their Lordships great wisdom we say wee have no difference with the Goverment of Connecticut but what His Majestyes Royall word will determine as afores[d] for the obtaining of which as dutifull and Loyall Subjects shall patiently wait and doubt not but his Princely Wisdom will influence him to confirm us in our Just rights and Properties in the possession of the grant of His Royall Predicessor according to our Charter.

To the Second proposition insisted upon by their Lordships viz for the better defence of the Country wee answer that his Majesty its true may strengthen us with standing Troops but for any other Strength as we are a Frontier to the Ocian, the Inlets into our Bay is so open & wide that it is impracticable to fortifie them so as to prevent an Enemy from entring into the same tho' at this time wee are Building our Fort more regular and defencable with Stone and Lime and morter for the security of Trade and Navigation the Colony having allready given five Thousand pounds toward the carrying on that work, the Strength of this Colony (under the protection of God) consists in our Militia who are trained up and exercised in Military discipline and are obliged continually as well in peace as in warr to be supplyed each man with a good fire arme powder and ball and they are generally verry expert in

the use of them so that through the Blessing of God wee have not only defended ourselves against His Majestys & the Colonyes Enemies, but have very frequently offended them both by Land and by Sea, and upon any expedition against the King's Enemies have exceeded our quotas with the rest of the Colonyes and Provinces.

To the third Proposition that Trade may be better secured &c wee answer as afores[d] that wee are fortifying our Harbour more Strongly for the Security of Trade &ct. and to enable our Governour to comply with the Acts of Trade and Navagation, the which he is annually Sworn to observe and the which he hath to the utmost of his power duly performed in his circumstance (considering the Constitution of the Govem[t] obligeth him to be more carefull and circumspect upon that foot than any that is distinguished by the Name of a Kings Govern[r] for which many reasons could be given but for brevity's sake shall for bear.

Fourthly to be annexed to New Hampshire besides its being impracticable, wee answer that our Pridicessors through great perills labour and hardships as is before recited, left us their purchases labour and improvements as our Birth right to which by the favour and clemency of a most gracious King they Tacked our present Charter full of valuable privileges &ct and as they with great cost and difficulty obtained and defended the same against their envious and ungratefull Neighbours and others for the good of their offspring and Posterity, so we hold ourSelves in duty and conscience bound to endeavour the preservation of so valuable a Blessing, and question not, but so long as wee continue duitfull Loyall and obeadient Subjects to his present Majesty King George and his Royall Issue but to be protected in our Liberty and property the which through his Princely goodness he hath so often declared to maintain and in a most pathetick manner upon his accession to the Throne.

Fifthly as to our being anexed to the province of New Hampshire under a Kings Governour wee answer as before that it is impracticable to be annexed to that Province should it be our misfortune to have our Charter vacated and taken from us, the great Province of the Massachusett Intervening and lying between this Colony and y[t] Province, and with humble Submission wee presume that the Governour of this his

Majesty's Colony is as much a King's Gov^{r} as any Governour in America, by vertue of our Royall Charter under the great Seal of England and wee esteem him as such during his administration and he makes the Laws of England his rule and Gov^{nt} without it be some perticular laws of the Colony which the Laws of England could not releave us in the not repugnant and he is under the same restriction and penalty for any misdemeaniour or Transgression by him committed as any other of the King's Governours under his Immediate commission and by an Act of Parliament made in the Reigne of King William the 3d as liable to be called home to great Brittain to answer the same.

Wee humbly conceive that the vacating and takeing away Charters of Incorporation, granted by the Crowne (without Just Cause of forfeiture) was never known but in an arbitrary Reigne as in that of King James the 2^{d} when all Corporations and Charters were crush't and Trampled under foot the effects of which wee severely felt in that short Interval of S^{r} Edmond Andrases Goverment whose arbitrary will with a few of his creatures was a law and the Kings Subjects made Vassals and Slaves in defiance of Magna charta and the Liberty of a Brittish Subject wee would not be thought by what is before recited to make any reflection upon his present Maj'tyes Governours under his immeadiate Commission they being under the regulation and correction of a most Just and Gracious Prince who will not suffer or countenance the violating and infringing the Liberty and property of his faithfull and loyal Subjects (but as the Proverb is what hath been may be againe) and our Royall Charter and most Gracious priviledges once given up there is no prospect of obtaining the same againe.

Wee would have presumed so farr upon their Lordships favour to have made some remarks upon the difference wee conceive there is between a Governor under his Majestyes Immeadiate Commission and a Charter Governor, but that being allready so truly explained by Mr. Dummer in his Book put forth in Vindication of Charter Goverments that we shall not make any further reflections thereon to which Book wee refer upon that head and sundry others therein sett forth.

Upon the whole wee humbly pray that their Lordships will believe wee have a Tincture of the ancient Brittish Blood in our veines and that wee esteem our liberty and property

granted by our Royall Charter equall to any Corporation in great Brittain tho not of like value and we hope our loyalty and conduct for the Service and Interest of the Crown of Great Brittaine hath no wayes merritted the forfeiture of so valuable a Blessing.

* * * * * * *

Signed SAM[EL] CRANSTON, *Govern[r]*.

REPLY OF CONNECTICUT TO SURRENDER OF CHARTER.[a]

N. HAVEN *Oct 28, 1723.*

SR. We have rec[d] yours of the twentieth of August last, where in you acquaint Us, That, by order of the Rt Hon[ble] the Lords of Trade & Plantations, you are directed to enquire of us whether we are willing to resign our Charter to ye Crown? Or, to be more immediately united to the Crown? By ye two Phrases, we suppose the same thing is intended. viz Whether we are willing to part with those Liberties, Powers & Priviledges, which we have so long had & held, by ye Royal Charter granted to this Corporation in the Reign of King Charles the 2[nd].

We have also received, a copy of the Order of the Rt Hon[ble] the Lords of the Committee of his Majesties most honorable Privy Council, of ye 17th of July last, whereby they have directed, that enquiry to be made; In w[c] their Lordships put the Question in other Terms, as intending the same thing Viz Whether we are willing to submit ourselves to his Majesties immediate Government?

We can't but be sensible of the Justice & Hon[r] as well as favour of the present Ministry & Administration, in the Method which They have thus thought fit to make use of, by referring a Question of such concern, as this is, to the Corporations themselves. For, If upon any Reasons or Motives that can he laid before us, We should be induced to think it our Interest, to resign to the Crown. w[t] Powers we hold, & Priviledges we enjoy by Patent from the Crown, as other Corporations do; and thereupon consenct to be deprived of them, It would certainly prevent all objections or Pretence of

[a] B. of T. Papers, Props. R. 49.

wrong; which might otherwise be surmiz'd. And the World would be obliged to justify such a Method as this, of vacating these Charters, as very fair and impartial. Whereas other more forcible Methods formerly attempted have not been thought reconcileable to the Common Rights, holden by the Laws & Customs of our Nation. Of which, we, of these Corporations, as well as some in Great Britain have not long since had experience.

Every one knows what a Destruction came on us & Them in the latter end of the Reign of King Charles ye 2nd. and in the Reign following. But that violence was not lasting, what was extorted from them in form, was soon restored. And tho' some of those Corporations were so managed, as to be induced even to a formal Resignation of their Charters; Yet, It was the Opinion of the Nation declared in Parliament, that notwithstanding the Consent so gained, the taking away & denying to those Corporations, the Powers & Priviledges enjoyed by their Charters was a Grievance, The relieving of which, among other things was thought worthy of that glorious Revolution, which was occasioned by them.

But this Method which You are directed to take has not the least appearance of any Force or Terrour in It. Nothing can be fairer than to recommend such a Matter as this, to the Consideration of the Corporations themselves. That If We find any Inconvenience in our present State, and think we could better our selves by a Change, We have Liberty so to do. But if we find ourselves in good Circumstances, and have no prospect of any advantage, if we should resign, & put an End to our Corporation, by consenting to some other Form of Government, that then we should be freely at Liberty to continue in our present State; and not come in to the Resignation recommended to us.

The power of the King & Parliament is as great now as It was then when another Method was thought proper to be used with Corporations; And ye Authority of the Ministry not at all inferior to what It was then: Yet, Its the Glory of our Times, and a Happiness which no Age or People, ever had greater Reason to boast of, That, The Powers which a good Providence has set over us, tho' unlimited or Subject to none, yet observe the Limits of Wisdom & Justice and are

tender of what others should enjoy, as well as of their own Prerogative.

This gives us great Encouragement & assurance We can remember the time, when the bare mention of such a Liberty, as that which their Lordships have thus led us to the use of, would have been thought criminal. And, We could not have opened our own mouths, to be our own Advocates, Or, presumed to have alledged, That we had not by any means forfeited our Priviledges; Or, Said any thing in defence of them, without danger of incurring the utmost displeasure, both of his Majesty, that then was, & of his Ministry. But, by the great Favour of Heaven the Case is otherwise with us.

We have a king & ministry, who don't make use of their Power to terrify us out of our Rights and Properties, but give us leave to speak for our Selves. And, think It's fit, that what we have, and can't, by force of any Law, be taken from us, should be obtain'd by our own free Consent; (as the only fair way, which even the greatest Prince may make use of) or, otherwise remain in our possession and Enjoyment.

We have therefore thought It our Duty, by Letters, both to the Lords of the Committee of Council & to the Lords of Trade and Plantations, to acknowledge that Regard which their Lordships have been pleased to express for our Charter Rights and Priviledges, in directing that You should inquire of Us whether We are willing to part with them, as what they judged very proper, if not necessary, in order to that change which they seem to recommend to Us.

And, We are not a little concern'd that after such an instance of their Lordships great Regard to our Interest, We should find our selves under a necessity, not to choose that Resignation of our Rights which, They are of Opinion might be best for us.

But we are perswaded their Lordships will consider the mighty force of enjoyment & experience. All the wisdom of the wisest men in the World, can't relish Priviledges of any kind, as they should that enjoy them. If their Lordships were of the parting side, supposing them in the Possession of any Priviledges, which a long experience had made valuable to them, As we have been of Ours, We dare say, their Lord-

ships would not think It any fault in us, to be loth to part with, or, willing to preserve them. And therefore we presume and hope their Lordships will not impute It to us, tho' we can't come into such a Cession of our Charter as You are directed to propound to Us.

Nor, can we think, If we should do so, we should be more firmly united to the Crown, or more immediately under his Majesties Governm^{t}, than we are now. Which are the chief considerations you have been directed to suggest on this occasion.

We can't but hope We are as firmly united to the Crown as any of his Majesties Colonies or Plantations. We are under the same Protection; We have not the least Pretence of any Power or Privilege, Estate or Property but what we hold under the Crown. We are subject as any other Colonies to his Majesties Commands and to the Laws provided for them. We are as solemnly engaged in our Fidelity to his Majesty, and have as true & sincere Allegiance to King George as any of his subjects within his dominions.

And we are not only as closely, but as immediately united to the Crown as any other of his Governments. The Bond of this Union (if we rightly understand what is meant by it,) is, on his Majesties part, his Authority or sovereignty over us; and, on our part, our faithful allegiance & subjection to Him.

It seems therefore to us, that His Majesties Authority can't be more immediate in other Governments which have no Charters than it is in this.

The King exercises his authority in them by his Commission, as he does here by our Charters, which is the Kings Commission, to warrant the Authority of the Officers appointed by it here.

The Governours Commission in other Governments, and the Charter in Charter Governments, are both of them immediately from the Crown. So that we conclude, we are as neer to the Crown; and to that Protection from It, which we rely upon, as any other Governments in the King's Dominions can pretend to be; Nor is there any stricter obligation on any of His Majesties Subjects, to a firm allegiance, faithful and constant subjection to his Majesty, and obedience to his Laws,

than there is upon us in this Colony; And in Case of Transgression, We [are] as neer, and close to the Crown as any Subjects.

Their Lordships seem also to think, that unless both the Governments, viz Rhode Island & Wee, agree to submit and resign our Charters, there is never like to be any Agreement, about the Bounds between us, or any Peace in these Parts. In this also we have a farther view of their Lordships Favour and great Concern for our Tranquillity. But if all the Circumstances of that controversy were laid before their Lordships, and known to them, as they are to Us We believe Their Lordships would not be of Opinion that the Consent or Resignation proposed would have such effect.

It's true, If our Charters were resigned, there could be no more any such Contention between us, as distinct Bodies Politick, because that capacity would therefore cease. But there might be the same contention, & perhaps greater, among particular Persons, whose particular Rights & Properties, have any Relation to those Bounds. Nor can It be thought that the Peace of the Colonies is so much infringed by this Controversy. The Government of R. Island is in actual Possession, (as they themselves own) of the Land w^c^ they claim, & we think belongs to us. We don't pretend to disturb them in y^t^ Possession; It is not wee, but they, that have made the Complaint. If they could have sat still, contented with all they desired, Their Lordships had not been troubled as they now are, with this story.

And if their Lordships would but dismiss their Complaint, They might return home, & live in Peace, without any Molestation.

We indeed should be sufferers, while They would still hold Lands, which this Colony disposed of in Townships 20 years ago & more; But we doubt not this matter will have a good issue one time or other. And even now; If their Lordships would but let them understand, that They must be contented with the Bounds set them in their own Charter, and tell them how those Bounds, must be understood and taken, That would end the Controversey.

They would have no reason to Complain; Nor should we give them the least Trouble in the Law, tho' our Charter be prior to theirs.

We assure you, It is with great uneasyness, that we find ourselves under such a Necessity, That Wee must either relinquish at once all the Priviledges we enjoy by the Royal Charter (which prevail'd with our Ancestors to adventure upon the first settlement of this Colony so chargeable & perillous) Or else, we must decline to comply, with that Resignation of our Charter, which their Lordships have directed you to propose to our Consent. But this Concern is much alleviated, from the assurance their Lordships have thereby given us, that Our holding these Powers and Priviledges, is not inconsistent with the Law, and on that Account to be denied Us, unless we are willing to part with them; tho' they seem to think It might be most to our peace & interest so to do. In which we must beg their Lordships to suffer us to enjoy our Desires And if hereafter We shall find any inconvenience in It as to this particular, of holding our Charter still, we must be content to blame ourselves for it.

You are therefore hereby directed in plainest terms, to acquaint their Lordships, that we can't think It to our interest to resign our Charter But, on the Contrary, as we are assured, that we have never by any Act of disobedience to the Crown, made any forfeiture of the Priviledges we hold by It; So We shall endeavour to make It manifest, and defend our Right, whenever It shall be called in question.

What those particular offences, or Acts of Disobedience to the Orders of the Crown, which some Charter Governments have been guilty of: And which you say their Lordships insisted on, as what would prevail with the Parliament to deprive us of our Charters We may not be able to guess. But, wee dare rely upon the Parliament, that whenever They think fit to inspect the Charters, They will distinguish between the guilty and ye Innocent.

If we have always behaved ourSelves, with a faithful Duty & Allegiance to the King; and have observed the Orders at all times sent us with Readiness; The Parliament will not condemn our Charter & deprive us of all the Benefit of It, because some other Charter Governments have demeaned themselves undutifully; or done w^{t} is a just forfeiture of their Charter Liberties.

We can't think It will be any manner of Revocation to that August Body of the greatest & best men, that we insist upon

our own Vindication; and can't be willing to loose the Priviledges We enjoy. When we know we have done nothing to deserve it. We are persuaded We have a King on the Throne, who will esteem It among the Prerogatives of his Crown, to be the Support & Protector of the Rights of his faithful subjects.

We are so far from being apprehensive that if the King & Parliament, should have any complaints made against Us; of Such a Nature as their Lordships speak of; as, Disobedience to Orders sent Us; And should think fit thereupon, that the Matter Should be taken out of the ordinary Course of the Law; and be tried before them; We say, if the Case should be so, We can't imagine, that They must needs pass a sentence of condemnation upon us, When in a legal Process against us we should be found innocent Such a Thought as this would render us worthy of High Displeasure

The King, in that great Court is the Fountain of Equity. There, we might hope, if we had by any unhappy mistake deserved a legal Condemnation, to have the severity of the Law tempered, and not to be stripp'd of all, for an Action, perhaps inadverdently done, which nevertheless the strict Justice of the Law might condemn us for. How much more, may we be assured, that such a Power as that of the King Lords and Commons, will ever have a favour for us when they find we have carefully observed Laws & Orders which have been given us, & broken none. As we make no doubt, we shall be able to shew, whenever there may be Occasion

We might here suggest to you many things in support of our Charter, and the Rights We hold by It. And we might first of all observe The particular Declaration of his Majesty King Charles the 2^{d} in our Charter; wherein he takes notice of the Addition, made to his Dominions, by the settlement we have made here; which induced him to grant us the Tract of Land contained in our Bounds; This seems to imply some thing of the Nature & Right of purchase in It. And the truth is, the settlement here made, at our own Cost, and attended with so much difficulty & danger, may well be look'd on as a deer purchase.

We may add, to this

That if the Charter be resigned or destroyed, and this Corporation thereupon cease; It will destroy all the Rights &

Properties which the Corporation has & holds (by the Charter only,) as well as the Government. Since It can't, we conclude, be imagined, that there should be a succession in the Corporation, by an annual Election of Officers, to hold the Estate; and at the Same time, another form of civil governments established among us.

That we have never been any particular charge to the Crown in time of Peace or War; but have maintained this part of his Majesties Dominions, as well as gained it at first, at our own cost. While we have only had our part with other of his Majesties Colonies, in the Common Protection, without putting the Crown to the charge of Garrisons or Stores, which are allowed in some Provinces.

That the settling of this Colony, and continuing of It, under a Charter administration has never been any Prejudice to the Crown, but Advantage. As we think we are able to shew in a multitude of instances.

That there is nothing can be justly imputed to us, as a Forfeiture, either in Law or Equity of our Charter, or any of the Priviledges we hold by It.

That what is most commonly objected to the Plantations viz A Familiar Transgression of the Laws of Trade, by managing unlawfull Commerce with Pirats, or with Foreign Nations, or any plans whatsoever, is what we are perfectly free from, and even from any just grounds to be suspected of it.

There are many other things of like Nature, which we could mention: and we dare boldly affirm upon the whole, that we have never done anything willingly, or even ignorantly, which can be look'd upon, in Law or in Equity, a just ground for condemning our Charter. Which we think we hold by the same Right, that our Fellow Subjects do their Lands and Liberties

Yet, Its possible, that those who have suggested so much against Us to their Lordships, as to perswade them to think it our Interest to resign our Charter, may by some means or other, make such misrepresentations of us to the Parliament, as may insinuate It unfit we should be suffered to enjoy It any longer.

If any such thing should happen, We hereby direct you in our Name, to beg that we may be advised of It, and have

time allowed us to make answer for ourselves. For as all such accusations must be grounded on some matters of Fact alledged against Us, so It will be impossible, perhaps, by writing from hence, to avoid the force of such misrepresentations. But we must be obliged to send over some Person, who by his long & good acquaintance with our Proceedings, may be able to set such matters of Fact in their true light, and strip them of that obscurity, which they are artfully covered with, that they might be made to look black & criminal.

This is a Duty we owe our selves; who are conscious, that we have never done any thing that can be reasonably thought, a Forfeiture of our Charter. And we doubt not, but by this means, we should sufficiently vindicate Our Selves against all Imputations.

This is all at present, which we need to say, in answer to Your letter. But we must desire you, in acquainting their Lordships that we can't consent to resign our Charter, to assure them, that notwithstanding this, We have a deep sense of their Favour, in the Direction they were pleased to give You to write to us, and refer It to our Consideration.

We ar Sr. Y^{r} humble Servants.

THE GOV^{r} & COMPANY OF HIS MAJESTY
COLONY OF CONNECTICUT.

G. SALTONSTALL *Gov^{r}*

Signed by order of the Gen'll Assembly,
HEZ. WYLLYS *Sec^{r}*.

BIBLIOGRAPHICAL NOTES.

I. MANUSCRIPTS.

In the preparation of this monograph seven collections of manuscript material were used, five in London, one in Oxford, and one in Paris.

1. THE PUBLIC RECORD OFFICE PAPERS.

The greater part of the material was found in the British public record office, where the following sets of papers were consulted:

(*a*) The Colonial Series.
(*b*) The Treasury Papers.
(*c*) The patent rolls.
(*d*) The Admiralty books.

(*a*) The classification and condition of the papers of the Colonial Series have been described by Prof. Charles M. Andrews in the Annual Report of the American Historical Association for 1898, pages 49 to 60. Most of the material utilized in this thesis was taken from the second group of papers—those after 1689, calendared now to 1696—and from the series known as the "Board of Trade Papers."

These papers of the board of trade, comprising 860 volumes in all, are classed as acts—a collection of over 100 volumes of colonial laws submitted for ratification; journals (1691 to 1760); naval office lists; papers concerning the separate colonies, viz: Antigua, Bahamas (after 1717), Barbados, Bermudas, Carolina, North Carolina (after 1730), South Carolina (after 1720), Georgia, Hudsons Bay, Ireland, Jamaica, Leeward Islands, Maryland (1689–1715), Massachusetts (1700–1760), Montserrat, Nevis, New England, Newfoundland, New Hampshire, New Jersey (after 1702), New York, Nova Scotia, St. Christopher's, St. Lucia, and Virginia—and, finally, the two collections known as "Plantations General and the Proprieties."

The latter include both proprietary and charter governments. The classification is inexact. For example, many papers on Connecticut and Rhode Island are found in the Proprieties, and others of equal importance in the New England group. The same is true of New Hampshire and Massachusetts. For the purpose of this thesis the Plantations General, Proprieties, and New England Series were most useful. In each of these series there are two sets of books. The first consists of original documents, letters, petitions, proposals, and the orders in council thereupon. They are bound up together, and the volumes of each series are lettered. The second contains entries of the more important of the documents in the first series, copies of the replies sent out by the board, and the representations presented to the privy council or to Parliament. These are known as "entry books," and are also lettered. The references are made thus: "Board of Trade Papers, Plantations General A, 16," or "Board of Trade Papers, Plantations General, Entry A, 16."

(*b*) The Treasury Papers are very well calendared, but in a few instances, chiefly those connected with the bills for lobbying, it was necessary to consult the original papers.

(*c*) The patent rolls were consulted for the commissions for the earlier councils of trade and plantations in the reign of Charles II.

(*d*) The Admiralty papers are an important source of material for colonial history. No information regarding the vice-admiralty courts in the colonies is to be found in the records of the high court of Admiralty, but the Admiralty books from the secretary's department contain the journal of that department and the commissions for the officers of the vice-admiralty courts, also materials about the trials of pirates and the condemnation of captured pirates. The series known as the "Admirals' Despatches" deals chiefly with naval matters, but doubtless contains much interesting colonial material. These were not kept and classified until 1745.

2. THE PRIVY COUNCIL REGISTER.

This important series of books is kept at the Government office in Downing street, London. Through the kindness of Mr. Hubert Hall and the chief clerk of the council I was per-

mitted to examine the volumes referring to the period under consideration. After 1696 they were of comparatively little use, since everything connected with the colonies was referred to the board of trade and preserved among its papers. In regard to appeals from the colonial courts, the register gives the decisions of the committee on appeals, which are not to be found in the board of trade papers.

3. THE COLLECTIONS OF THE BRITISH MUSEUM.

Among the Harleian, Egerton, Kings, and Additional Manuscript collections in the museum were found various letters from men of the period, and some documents of importance, notably the "Overtures touching a Councill to bee erected for foreigne Plantations," and the "Instructions" for the council of 1660.

4. THE COLLECTIONS OF THE BODLEIAN LIBRARY.

At Oxford the Clarendon and Rawlinson collections contain letters and private papers of several persons interested in colonial government in the early eighteenth century.

5. COLLECTIONS OF ECCLESIASTICAL DOCUMENTS.

Becoming interested in the relations of the authorities of the established church to colonial administration, I went to Fulham and Lambeth palaces to see what materials had been there preserved. At Fulham the papers are unassorted and unavailable, but I am convinced that those of the eighteenth century have been largely removed and are scattered among private collections. Some of the letters of the Bishop of London I found in the Bodleian at Oxford. At Lambeth, where the manuscripts are preserved and classified, the papers of Archbishops Tennison, Gibson, and Wake were examined. The best material for the study of the colonial church is to be found among the papers of the Society for the Propagation of the Gospel. The records of this society have been most carefully preserved, and by the courtesy of the secretary I was given access to them. They consist of—

First. Letters and reports of missionaries to 1736, twenty-six volumes of carefully copied letters, designated as A MSS.[a]

[a] The abbreviation used in the text is S. P. G.—A. MSS.

Second. Original letters and reports of missionaries in the eighteenth century, classified by colonies, chiefly after 1736, twenty-five volumes in all, known as B MSS.

Third. Journals of the proceedings of the society.

Fourth. Committee reports, forty-seven volumes.

Fifth. Colonial letters to the Bishop of London, 1803–1828.

Sixth. Account books, 1701–1892.

I was able to examine only the earlier documents, to about 1730, but think that much interesting material for later times is to be found in this collection. When the missionaries were garrulous and communicative, the general conditions of the colonies are reported with vivacity and circumstantial detail.[a]

6. LES ARCHIVES DU DÉPARTEMENT DES AFFAIRES ÉTRANGÈRES.

At Paris the series of memoirs and documents relating to America contain much of interest on the relations of the French and English colonies and the difference in their administrative policies. The classification is somewhat irregular, and numbers of the papers are not dated.

II. PRINTED COLLECTIONS.

Besides the collections in manuscript, the following printed records and documents have been consulted:

1. English public documents:
   - Acts of the Privy Council of England, new series, 1542–1597, ed. by J. R. Dasent. (London, 1890–1903.)
   - Calendar of State Papers, Colonial Series, 1574–1696, ed. by W. Noel Sainsbury and J. W. Fortescue. (London, 1860–1903.)
   - Calendar of Treasury Papers, ed. by Joseph Redington and William Shaw. (London, 1868–1903.)
   - Journals of the House of Commons.
   - Journals of the House of Lords.
   - Royal Commission on Historical Manuscripts. (London, 1894–1903.)
   - Rymer, Fœdera. (3d edition, 1739.)
   - Statutes of the Realm. (Records Commission edition.)
   - Thurloe, State Papers. (7 vols., London, 1742.)
2. Archives and Records of the Colonies.
   - Archives of Maryland (19 vols.), edited by William Hand Browne. (Baltimore, 1880–1889.)
   - Calendar of Virginia State Papers (9 vols.), edited by William P. Palmer and H. W. Flournoy. (Richmond, 1875–1890.)

[a] A digest of the society's progress has been compiled, 1701–1892. (Third edition, London, 1892.)

Colonial Records of Connecticut (15 vols.), edited by J. Hammond Trumbull and Charles J. Hoadley, D. D. (Hartford, 1850–1890.)

Colonial Records of North Carolina (10 vols.), edited by William L. Saunders. (Raleigh, 1874–1886.)

Colonial Records of Pennsylvania (16 vols.), edited by order of the State. (Philadelphia, 1838–1853.)

Documents relative to the Colonial History of New York (14 vols.), edited by E. B. O'Callaghan and B. Fernow. (Albany, 1856–1883.)

Federal and State Constitutions and Colonial Charters (2 vols.), edited by Ben: Perley Poore. (Washington, 1877).

Grants, Concessions, and Original Constitutions of the Province of New Jersey, edited by Aaron Leaming and Jacob Spicer. (Philadelphia, 1881.)

Letters from the English Kings and Queens to the Governors of the Colony of Connecticut from 1635 to 1749, edited by R. R. Hinman. (Hartford, 1836.)

New Jersey Archives (19 vols.), edited by W. A. Whitehead. (Newark and Paterson, 1880–1897.)

Pennsylvania Archives (First Series, 12 vols.), edited by Samuel Hazard. (Philadelphia, 1852–1856.)

Provincial Papers of New Hampshire (7 vols.), edited by Nathaniel Benton. (Concord and Nashua, 1867–1873.)

Records of Massachusetts Bay, 1628–1686 (5 vols.), edited by Nathaniel B. Shurtleff. (Boston, 1854.)

Rhode Island Colonial Records (10 vols.), edited by J. R. Bartlett. (Providence, 1856–1865.)

Statutes at Large of Virginia (13 vols.), edited by William Waller Hening. (Richmond, 1809.)

Virginia Magazine of History and Biography (6 vols.). (Richmond, 1893–1899.)

3. Correspondence and Private Papers.

Andros Tracts (3 vols.), published by Prince Society. (Boston, 1874.)

Miscellaneous Letters in Massachusetts Historical Society Collections:

First Series, Volumes V and VI.
Third Series, Volumes VII and VIII.
Fourth Series, Volumes II, V, VIII, and IX.

Penn-Logan Correspondence. Memoirs of the Historical Society of Pennsylvania. Volumes IX and X. (Philadelphia, 1870.)

Randolph, Edward: Toppan, ed. (5 vols.), published by Prince Society. (Boston, 1898.)

Sewall, Samuel, Diary of: Massachusetts Historical Society Collections, Fifth Series, Volume VII. (Boston, 1882.)

Talcott Papers, edited by Mary Kingsbury Talcott. Connecticut Historical Society Collections, Volume IV. (Hartford, 1892.)

Winthrop Papers: Massachusetts Historical Society Collections, Sixth Series, Volumes III and V. (Boston, 1889.)

4. Pamphlets.

Abstract of Charter for the Society for the Propagation of the Gospel. (1702.)

Account of the Society for the Propagation of the Gospel. (1706.)

Dummer, Jeremiah: A Defence of the New England Charters. (London, 1721.)

Mather, Cotton: Parentator. (1724.)

Pollexfen: Discourse of Trade, Coyn, and Paper Credit. (London, 1697.)

Some Considerations on the French settling on the Mississippi. (London, 1720.)

Thomas, F. S.: Notes of Materials for the History of Public Documents. (Private publication, London, 1846.)

(The above pamphlets are all in the British Museum.)

II. SECONDARY WORKS.

The larger portion of this study being drawn from manuscript sources, the references to secondary works are comparatively few and by no means constitute a bibliography of the subject. The following are those to which reference has been made in the notes:

1. General histories and biographies:

Cobbett: Parliamentary History of England. (London, 1806–20.)

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Pike: Constitutional History of the House of Lords. (London, 1894.)

Stubbs: Constitutional History of England. (Oxford, 1874–1878.)

Tyler: History of American Literature. (New York, 1878.)

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2. Local histories:

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3. Administrative Histories:

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Reinsch: English Common Law in the Early American Colonies. University of Wisconsin Bulletin. (1899.)
Tanner: "Colonial agents," Political Science Quarterly. (1901.)
Turner: "Western State making in the Revolutionary era," American Historical Review. (1895.)
Wallis: "Early colonial constitutions," Royal Historical Society Transactions. (1896.)

IX.—PUBLIC DOCUMENTS OF THE FIRST FOURTEEN CONGRESSES, 1789–1817.

By GENERAL A. W. GREELY, U. S. Army.

PUBLIC DOCUMENTS OF THE FIRST FOURTEEN CONGRESSES.

By Gen. A. W. Greely, U. S. Army.

In 1897 the writer presented to the American Historical Association a paper on the public documents of the First and Second Congresses, 1789 to 1793. The great interest shown by many historical students of the United States in this publication caused the author to attempt a work of great labor and extended research, the compilation of all the official public documents from the meeting of the First Congress to the adjournment of the Fourteenth Congress in 1817.

This work when near completion was interrupted by exacting official labors and responsibilities consequent upon the Spanish-American war. In order, however, that historical students might have the advantage thereof, the compilation, as far as made, was published without revision. It formed Senate Document No. 428 of the first session of the Fifty-sixth Congress. The extent of the labor involved is indicated by the fact that this list covered with index 903 pages.

In the Senate document referred to the author briefly set forth the value of these State papers, covering as they do the formative period of the earliest purely constitutional government of the world.

Notwithstanding the evident value of these documents, there existed neither then nor now a complete collection of the official publications of the First to the Fourteenth Congresses, 1789–1817, nor even a detailed list of their number, kind, or character.

Unfortunately, Senate Document No. 428 was printed almost entirely during the absence of the author from Washington, so that many obvious errors and duplications appear in that document.

It is not the intent of this paper to correct errors in the document referred to, but merely to supplement it by a brief

list of such State papers as have been discovered or located within the past two years. Many of the additions are from documents lately brought into the War Department library, but nearly the entire number are to be found in the library of the Boston Athenæum, which has one of the most extensive collections of original public documents in existence.

In the present list there are described and located 754 official Congressional papers (of which about one-half are entirely new titles), and are divided as follows: Four hundred and forty-nine documents, 227 reports, and 78 motions.

The remaining titles are those formerly known by means of reprints, but as to which there was no readily accessible knowledge as to their existence or locality as separate publications.

According to the statement of the late Mr. J. H. Hitchcox, 2,464 documents of the first fourteen Congresses are preserved in the American State Papers, that most valuable collection of documents compiled and reprinted through the wise action of Congress under the several acts of 1831, 1833, and 1858.

In the article prepared by the present author there are located and described in round numbers about 5,000 State papers, or nearly double the number republished in the American State Papers.

It is thought the efforts being made by Mr. Herbert Putnam, Librarian of Congress, to bring together in the national library the scattered reports and documents in the various libraries in Washington will very considerably increase the number of original and separate documents pertaining to the period under consideration.

ABBREVIATIONS.

Ath. Athenaeum Library, Boston.
A. S. P. American State Papers.
Annals. Annals of Congress.
bdsd. Broadside or folding table.
Doc. Document.
Ex. Executive.
Ex. Jo. S. Executive Journal of Senate.
Fol. Folio.
Fin. Finance.
H. House of Representatives.
Ind. Af. Indian Affairs.
Jo. H. Journal, House of Representatives.
Jo. S. Legislative Journal of Senate.

n. d. No date.
n. p. No place.
p. Pages.
Res. Resolution.
rpt. Report.
S. Senate.
W. D. L. War Department Library.

HOUSE DOCUMENTS.

1 C: 2 S. January 9, 1790.

Letter from Secretary of Treasury Hamilton expressing his readiness to present a plan on the public credit. n. p., n. d. — p. Ath.

SENATE DOCUMENTS.

1 C: 3 S. January 18, 1791.

Report, January 10, of Secretary of State Jefferson rectifying error in previous report on weights, measures, and coins. A. S. P., Misc., 1: 36–37. Printed as p. 22 of House document dated July 4, 1790, on same subject, to which the correction pertains.

HOUSE DOCUMENTS.

1 C: 3 S. March 3, 1791.

Amendments proposed by Congress to the legislatures of the several States. Fol. n. p., n. d. 2 p. Ath.

HOUSE REPORTS.

1 C: 3 S. February 16, 1791.

By Mr. Madison, on administration of Robert Morris, late Superintendent of Finance. A. S. P., Misc., 1: 38. Fol. n. p., n. d. 36, Appendix A, 4; Appendix B, 14 p. W. D. L.

HOUSE DOCUMENTS.

2 C: 1 S. November 4, 1791.

Letter of Secretary of Treasury Hamilton submitting estimates for 1792. n. p., n. d. 20 p. Ath.

2 C: 1 S. December 5, 1791.

Accounts of the Treasurer of the United States to September 30, 1791. Fol. n. p., n. d. 14 p. Ath. W. D. L.

2 C: 1 S. January 30, 1792.

Letter of Secretary of War Knox on the protection of the frontiers of Pennsylvania against hostile Indians.

This letter (Ath. L. copy) is printed on a large broadside in five columns. It is preceded by a letter from President Washington, dated January 16, recommending the publication of such a statement of the causes of existing hostilities. Philadelphia (1792). 1 p. Ath.

2 C: 1 S. February 29, 1792.

Accounts of United States Treasurer Meredith to December 31, 1791. Fol. n. d., n. p. 11 pp. Ath.

2 C: 1 S. March 6, 1792.

Report of Secretary of Treasury Hamilton on taxation of spirits. A. S. P., Fin., 1:151–158. Fol. n. p. Childs and Swaine. n. d. 20 p. Ath. W. D. L.

2 C: 1 S. March 17, 1792.

Report (March 16) of Secretary of Treasury Hamilton on methods of raising additional revenue during 1792. Fol. n. d., n. p. 8 pp. Ath.

2 C: 1 S. March 17, 1792.

Report of Secretary of Treasury Hamilton on increasing the revenue for 1792. A. S. P., Fin., 1:158–181. Fol. n. p., n. d. 2 p. Ath.

2 C: 1 S. April 5, 1792.

Report of Secretary of Treasury Hamilton on compensation to revenue officers. Fol. n. d., n. p. 4 pp. Ath.

2 C: 1 S. April 17, 1792.

Letter from Secretary of Treasury Hamilton submitting estimates for the current year. Fol. n. d., n. p. 2 pp. Ath.

2 C: 1 S. April 17, 1792.

Letter from Secretary of Treasury Hamilton accompanying his report on petitions A, B, and C. Simon Nathan, Yale College, Mary Wooster, et al., asking reimbursement on account of damages during the late war. Fol.? n. d., n. p. 3 pp. Ath.

2 C: 1 S. April 21, 1792.

Report (April 18) of Secretary of Treasury Hamilton on renewal of lost certificates. Fol. n. d., n. p. 11 pp. Ath.

HOUSE REPORTS.

2 C: 1 S. November 18, 1791.

By Mr. Ames, on petition of James Jackson, alleging undue influence in election of Anthony Wayne, of Georgia.

This report appears to have been privately printed, as the Athenaeum Library has "Proceedings respecting contested election for eastern district of Georgia." Philadelphia. Parry Hall. 1792. 71 pp.

SENATE DOCUMENTS.

2 C: 1 S. October 26, 1791.

Accounts of United States Treasurer Meredith to June 30, 1791. Fol. n. p., n. d. 53 p. Ath.

2 C: 2 S. February 14, 1793.

Report of Secretary of Treasury Hamilton, under S. Res. of January 23, 1793, on the condition of the public funds. A. S. P., Finance, 1:218–222. Fol. n. p., n. d. — p. Ath.

2 C: 2 S. February 27, 1793.

Report of Secretary of War Knox on the petition of Charles Knowles, et al. n. p., n. d. — p. Ath.

2 C: 2 S. February 27, 1793.

Accounts of the Treasurer of the United States to December 31, 1792. Fol. n. p., n. d. — p. Ath.

HOUSE DOCUMENTS.

2 C: 2 S. November 7, 1792.

Accounts of United States Treasurer to September 30. Fol. n. p., n. d. — p. Ath.

2 C: 2 S. November 14, 1792.

Letter of Secretary of War, November 1, on memorial of Samuel Hogdon, late Quartermaster-General of the Army, asking investigation of the causes of the failure of General St. Clair's expedition. A. S. P., Mil. Af., 1:39. n. p., n. d. — p. Ath.

2 C: 2 S. November 14, 1792.

Estimates submitted by Secretary of Treasury Hamilton for the year 1793. Fol.? n. p., n. d. — p. Ath.

2 C: 2 S. November 19, 1792.

Report, November 17, of the commissioners of the sinking fund. A. S. P., 1:162–171. Fol. n. p., n. d. Childs and Swaine. 19 p. Ath. W. D. L.

2 C: 2 S. November 22, 1792.

Message from the President on raising revenue by taxation of spirits. A. S. P., Fin., 1:171–175. Fol. n. p., n. d. — p. Ath.

2 C: 2 S. December 3, 1792.

Report, November 30, of Secretary of Treasury Hamilton submitting plan for the reduction of the public debt. A. S. P., Fin., 1:176–180. Fol. n. p., n. d. Childs and Swaine. 10 pp. W. D. L.

2 C: 2 S. December 7, 1792.

Letter from Secretary of Treasury Hamilton, accompanying statements with letter from the Comptroller of the Treasury relative to War Department disbursements in 1790 and 1791. Fol. Philadelphia. n. d. — p. Ath.

2 C: 2 S. January 4, 1793.

Report, January 3, of Secretary of Treasury Hamilton, under House resolution of December 24, 1792, regarding foreign loans and disbursements thereof. A. S. P., Finance, 1:180–184. Fol. n. p., n. d. — p. Ath.

2 C: 2 S. January 8, 1793.

Report of Secretary of Treasury Hamilton, transmitting report of David Rittenhouse, Director of the Mint, on assays at the mint. A. S. P., Finance, 1:184–185. Fol. n. p., n. d. — p. Ath.

2 C: 2 S. January 11, 1793.

Report of Secretary of Treasury Hamilton, January 10, on domestic loans. Fol. n. p., n. d. — p. Ath.

2 C: 2 S. January 26, 1793.

Accounts of the Treasurer of the United States relating to expenditures of the War Department from October 1 to December 31, 1792. Fol. n. p., n. d. — p. Ath.

2 C: S. February 4, 1793.

Report of Secretary of Treasury Hamilton, under H. resolution of January 23, on Government loans, with statements A, B, C, D, E, and F on debt, sinking fund, and means of revenue. Fol. n. p., n. d. — p. Ath.

2 C: 2 S. February 8, 1793.

Report of Secretary of War Knox, on petitions of Henry Bacon, et al., on arrearages of pay as Revolutionary soldiers. Fol. n. p., n. d. Childs and Swaine. 11 p. Ath. W. D. L. A. S. P., Claims, 58–59.

2 C: 2 S. February 13, 1793.

Letter of Secretary of Treasury Hamilton, with statements regarding loans made under the acts of August 4 and 12, 1790. Fol. Childs and Swaine. n. p., n. d. 22 p. Ath. W. D. L. A. S. P. Fin., 1:215–218.

2 C: 2 S. February 25, 1793.

Report of Vice-President Adams, and other members of the board of trustees, on the sinking fund. Fol. n. p., n. d. Childs and Swaine. 29 p. W. D. L.

2 C: 2 S. February 27, 1793.

Accounts of the Treasurer of the United States from October 1 to December 31, 1792. Fol. n. p., n. d. — p. Ath.

2 C: 2 S. March 2, 1793.

Report, February 27, of Secretary of War Knox on petitions of James Adams, Lewis Anderson et al. Fol. n. p., n. d. Childs and Swaine. 12 p. Ath. W. D. L.

2 C: 2 S. March 2, 1793.

Letter of Secretary of Treasury Hamilton, under H. resolution of May 8, 1792, on revenue from domestic spirits. Fol.? n. p., n. d. — p. Ath.

HOUSE REPORTS.

2 C: 2 S. November 30, 1792.

By Mr. Sedgwick on petition of the executors of Edward Carnes asking the settlements of certificates issued by authority of the United States. Fol.? n. p., n. d. — p. Ath.

SENATE DOCUMENTS.

3 C: 1 S. January 22, 1794.

Message from the President, transmitting late advices from United States minister to England. A. S. P., For. R., 1:315. 8 vo. n. p., n. d. 4 p. Ath.

3 C: 1 S. May 12, 1794.

Message from the President, transmitting correspondence of United States minister to England with the British minister for foreign affairs regarding restrictions on American commerce. A. S. P., For. R., 1:448–454. Fol.? n. p., n. d. — p. Ath.

3 C: 1 S. May 23, 1794.

Message from the President, transmitting correspondence between Secretary of State Randolph and the minister plenipotentiary of His Britannic Majesty regarding an anticipated incursion of British Indians, etc. A. S. P., For. R., 1:461–463. Fol.? n. p., n. d. — p. Ath.

HOUSE DOCUMENTS.

3 C: 1 S. December 23, 1793.

Estimates of Secretary of the Treasury Hamilton for 1794, with statements regarding the condition and prospects of the national finances. Fol.? n. p., n. d. 39 (26) p. Ath.

3 C: 1 S. April 24, 1794.

Letter from Secretary of State Randolph, transmitting translation of an address from the Committee of Public Safety of France to Congress. Fol.? n. p., n. d. — p. Ath.

HOUSE REPORTS.

3 C: 1 S. January 1, 1794.

By Mr. Trumbull, on necessary naval force for protection of American commerce against Algerine corsairs, with estimates and means of raising revenue. Fol.? n. p., n. d. — p. Ath. Sup'l'y to H., p. 436.

3 C: 1 S. January 7, 1794.

By Mr. Trumbull, on rules. Fol.? n. p., n. d. p. Ath.

3 C: 1 S. April 22, 1794.

By Mr. Fitzsimons, on petition of Governor Arthur St. Clair asking compensation for services in negotiating Indian treaties. A. S. P., Claims, 80. Fol.? n. p., n. d. — p. Ath.

3 C: 1 S. April 22, 1794.

By Mr. Venable, on petition of John Carr for pay for services in the war. Fol.? n. p., n. d. — p. Ath.

SENATE DOCUMENTS.

3 C: 2 S. January 9, 1795.

Communication from M. Fauchet, minister of the French Republic, transmitting the decree of the Committee of Public Safety of the National Convention regarding the metric system of weights and measures lately adopted by France. Fol.? n. p., n. d. — p. Ath. 300 copies printed.

HOUSE DOCUMENTS.

3 C: 2 S. January 12, 1795.

Report of Attorney-General Randolph, on the proper fees and regulations for the courts of the United States. A. S. P., Misc., 1:117–122. Fol.? n. p., n. d. — p. Ath.

HOUSE REPORTS.

3 C: 2 S. February 9, 1795.

By Mr. Parker, on petition of Messrs. Parker, Hopkins, and Mears. Fol.? n. p., n. d. — p. Ath.

3 C: 2 S. February 18, 1795.

By Mr. Ames, on the petition of Amelie, Adelaide, Melanie, and Silvie, daughters of the late Count de Grasse. Fol.? n. p., n. d. — p. Ath.

3 C: 2 S. February 23, 1795.

By Mr. Cobb, on the Mint and measures for its improvement. Philadelphia, Childs and Swaine, 1795. 15 p. Ath.

3 C: 2 S. February 11, 1795.

By Mr. Hillhouse, on deposition of a witness in the case of a contested election. n. p., n. d. 3 pp. Ath. L.

SENATE DOCUMENTS.

4 C: 1 S. December 14, 1795.

Letter of Secretary of State Pickering, transmitting reports of the Directors of the Mint regarding coining operations. A. S. P., Finance, 1: 356–358. Fol.? n. p., n. d. — p. Ath.

4 C: 1 S. December 18, 1795.

Report of the Commissioners of the Sinking Fund. Fol.? n. p., n. d. — p. A. S. P., Fin., 1: 366–370. Ath.

4 C: 1 S. January 4, 1796.

Message from the President on relations with France, relating to the presentation of the colors of France to the United States. Fol.? n. p., n. d. — p. Ath.

4 C: 1 S. January 8, 1796.

Message from the President, regarding the construction of Federal buildings in the city of Washington. Fol.? n. p., n. d. — pp. Ath. A. S. P., Misc., 1: 133.

4 C: 1 S. March 1, 1796.

Message from the President, regarding the treaty with Great Britain. Fol.? n. p., n. d. 32 pp. Ath.

4 C: 1 S. April 4, 1796.

Letter from Secretary of Treasury Wolcott, transmitting statement regarding the emoluments of officers of the customs during 1795. Fol.? n. p., n. d. — pp. Ath.

4 C: 1 S. April 29, 1796.

Report, April 26, of Attorney-General Lee on land titles in the Southwest, relating to Georgia and South Carolina claims. Fol.? Philadelphia. John Fenno, 1796. 171 pp. W. D. L.

4 C: 1 S. May 27, 1796.

Accounts of Treasurer of United States to March 31, 1796. W. D. L.

HOUSE DOCUMENTS.

4 C: 1 S. December 14, 1795.

Letter from Secretary of Treasury Wolcott, submitting estimates for the year 1796. Fol.? n. p., n. d. 22 pp. Ath. W. D. L.

4 C: 1 S. December 14, 1795.

Letter from Acting Secretary of War Pickering, with statements relative to the condition of the military force. n. p., n. d. 22 p. Ath.

4 C: 1 S. December 17, 1795.

Report of Secretary of Treasury Wolcott, transmitting accounts of public moneys for the year ending December 31, 1795 (4?). n. p., n. d. — p. Ath. W. D. L.

4 C: 1 S. December 18, 1795.

Report of the Commissioners of the Sinking Fund. Fol.? n. p., F. Childs, n. d. 14 pp. Ath. W. D. L.

4 C: 1 S. December 24, 1795.

Letter, December 22, from Secretary of Treasury Wolcott, transmitting proceedings of Register Nourse regarding certain claims made against the United States. Fol.? n. p., F. Childs, n. d. 31 pp. Ath. W. D. L. A. S. P., Claims, 172–181.

4 C: 1 S. January 4, 1796.

Report, December 31, 1795, of Secretary of Treasury Wolcott, on the public debt. Fol. n. p., n. d. 16 pp. W. D. L. Ath. A. S. P., Fin. 1: 371–383.

4 C: 1 S. January 4, 1796.

Message from the President, transmitting address of the Committee of Public Safety of France in presenting the colors of France to the United States. Fol.? n. p., n. d. — pp. Ath. A. S. P., For. Rel., 1: 527.

4 C: 1 S. January 7, 1796.

Proceedings of the House of Representatives in the case of Robert Randall and Charles Whitney. 8 vo? n. p., n. d. 32 pp. Ath. W. D. L. A. S. P., Misc., 1: 124–133.

4 C: 1 S. January 20, 1796.

Communications from Secretary of War Pickering, January 20, to the committee appointed to inquire into the naval equipment of the United States. Fol. n. p., n. d. 1–7, 1 bdsd., 11 pp. W. D. L.

4 C: 1 S. Jannary 13, 1796.

Message from the President, transmitting accounts pertaining to the contingent fund. Fol.? n. p., n. d. — pp. Ath.

4 C: 1 S. January 25, 1796.

Letter of Secretary of Treasury Wolcott, transmitting report of exports, 1790 to 1795, under House resolution. Fol. n. p., n. d. (5) pp., 1 bdsd. Ath. W. D. L.? A. S. P., Com. and Nav., 1: 322–333.

4 C: 1 S. January 26, 1796.

Report, January 25, of Secretary of Treasury Wolcott, transmitting report of imports and tonnage from 1789 to 1794. Fol.? n. p., n. d. 25 pp. Also in A. S. P., Com. and Nav., 1: 322–333.

4 C: 1 S. January 26, 1796.

Letter from Attorney-General Lee, reporting on the petition of J. Mackey. A. S. P., Misc., 1: 71. n. p., n. d. 8 pp. Ath. W. D. L.

4 C: 1 S. March 1, 1796.

Message from the President on the treaty with Great Britain. Fol.? n. p., n. d. 32 pp. Ath.

4 C: 1 S. March 2, 1796.

Letter from Secretary of War McHenry, relative to the naval equipment. Fol. n. p., n. d. 11 pp. Ath.

4 C: 1 S. March 11, 1796.

Report, March 8, by Secretary of Treasury Wolcot, on the domestic debt. A. S. P., Fin., 1: 404–408. Fol. n. p., n. d. 4 p. Ath. W. D. L.

4 C: 1 S. March 16, 1796.

Report of Secretary of Treasury Wolcott, on petition of H. Yeaton, G. House, J. Greenman, and E. Perkins. Fol.? n. p., n. d. — pp. Ath.

4 C: 1 S. March 16, 1796.

Report of Secretary of Treasury Wolcott, on petition of merchants of Philadelphia relative to piers in the Delaware River. Fol.? n. p., n. d. — pp. Ath. A. S. P., Com. and Nav., 1: 343.

4 C: 1 S. March 25, 1796.

Message from the President, transmitting translation of a letter from the minister of the French Republic to the Secretary of State. Fol.? n. p., n. d. — pp. Ath.

4 C: 1 S. March 29, 1796.

Message from the President, relative to affairs with Spain, especially with reference to Florida, Louisiana, and Spanish spoliations on American commerce. Fol.? n. p., n. d. — pp. Ath.

4 C: 1 S. March 30, 1796.

Message from the President, under H. resolution, relative to the treaty-making powers of the Government of the United States, especially with reference to the necessity of asking the assent of the House of Representatives. Fol.? n. p., n. d. 6 pp. Ath. W. D. L. Also in A. S. P., For. R., 1: 550.

4 C: 1 S. April 1, 1796.

Letter from Secretary of State Pickering, submitting estimates necessary in connection with treaties with Spain, Indian tribes, and others. n. p., n. d. 11 pp. Ath.

4 C: 1 S. April 5, 1796.

Report of Secretary of War McHenry on the claim of M. Poirey, secretary and aid-de-camp to Lafayette. A. S. P., Claims, 183. Fol.? n. p., n. d. — pp. Ath.

4 C: 1 S. April 7, 1796.

Letter from Secretary of Treasury Wolcott, submitting estimates for carrying out treaty with Spain. Fol.? n. p., n. d. — p. Ath.

4 C: 1 S. April 18, 1796.

Letter from Secretary of Treasury Wolcott, relative to an inaccuracy in the statement of receipts and expenditures for 1794. Fol. n. p., n. d. 6 pp. Ath. W. D. L.

4 C: 1 S. May 10, 1796.

Letters (May 5) from Attorney-General Lee, relative to the contract made with John Cleves Symmes regarding lands in St. Clair County. Fol.? n. p., n. d. 6 pp. Also in A. S. P., P. L., 1: 67–68, and in Misc., 1: 151. Ath.

4 C: 1 S. May 12, 1796.

Report of Secretary of Treasury Wolcott on imports from October 1, 1794, to September 30, 1795. Fol. n. p., n. d. 11 pp. Ath. W. D. L.

4 C: 1 S. May 18, 1796.

Report of Secretary of Treasury Wolcott on methods of increasing the revenue. A. S. P., Fin., 1: 413–414. Fol. n. p., n. d. 4 (3 unp.) pp. Ath. W. D. L.

HOUSE REPORTS.

4 C: 1 S. December 11, 1795.

By Mr. Muhlenberg, on standing rules and orders of the House. Annals of Congress, 138–143. n. p., n. d. — p. Ath.

4 C: 1 S. December 14, 1795.

By Mr. Madison, on the address of the House to the President. n. p., n. d. — p. Ath.

4 C: 1 S. December 22, 1795.

Report by Mr. Tracy on petition of Benjamin Titcomb and others. n. p., n. d. — p. Ath.

4 C: 1 S. December 29, 1795.
Report by Mr. Harrison on surveys of coast of Georgia. n. p., n. d. — p. Ath. A. S. P., Com. and Nav., 1: 318.

4 C: 1 S. January 11, 1796.
By Mr. Goodhue, on the petition of J. Devereux and others regarding remission of duties. A. S. P., Fin., 1: 383. — p. Ath.

4 C: 1 S. January 13, 1796.
By Mr. Venable, on the claim of John Richards to a seat in the House. A. S. P., Misc., 1: 134. — p. Ath.

4 C: 1 S. January 26, 1796.
By Mr. Tracy, on the petition of S. Clark and others. — p. Ath.

4 C: 1 S. January 26, 1796.
By Mr. Tracy, on petition of John Griffin. — p. Ath.

4 C: 1 S. January 27, 1796.
By Mr. Venable, on contested election of Israel Smith. A. S. P., Misc., 1: 139. — p. Ath.

4 C: 1 S. January 29, 1796.
By Mr. Parker, regarding building and equipping of frigates to protect trade of United States against the Algerines; n. p., n. d. 5 p. A. S. P., Nav. 1: 19–25. Ath. W. D. L.

4 C: 1 S February 2, 1796.
By Mr. Livingston, on memorial on Nicholas Roosevelt and Jacob Mark, regarding mining United States lands. A. S. P., Misc., 1: 140. — p. Ath.

4 C: 1 S. February 4, 1796.
By Mr. William Smith, regarding payment of public debt. A. S. P., Fin., 1: 384; n. p., n. d. 2 pp. Ath.

4 C: 1 S. February 8, 1796.
By Mr. Goodhue, on petitions of I. Loring, sundry merchants of Philadelphia and New York, J. R. Silva, N. Somes, and J. Strange, relative to drawback and remissions of duty. A. S. P., Fin., 1: 384, 385; n. p., n. d. — p. Ath.

4 C: 1 S. February 12, 1796.
By Mr. Livingston, relative to an application to Congress for exclusive right of searching for and working mines in Northwest and Southwest territory, by N. I. Roosevelt, J. Mark, and others. — p. Ath.

4 C: 1 S. February 15, 1796.
By Mr. Gilman, on petition of sundry refugees from Canada and Nova Scotia, John Blake, Joseph Buldon, John D. Mercier, and Benjamin Thompson. Ath.

4 C: 1 S. February 23, 1796.
By Mr. William Smith, on internal revenue. A. S. P., Fin., 1: 385. — p. Ath.

4 C: 1 S. February 25, 1796.
By Mr. Livingston, relative to impressment of American seamen. n. p., n. d. 4 pp. Also A. S. P., For. Rel., 1: 532. Ath., W. D. L.

4 C: 1 S. March 9, 1796.

By Mr. Venable, on credentials of David Baird, Representative from Pennsylvania. A. S. P., Misc., 1: 142. Ath. — p.

4 C: 1 S. March 10, 1796.

By Mr. Hillhouse, on the President's message accompanying letter from the governor of the territory south of the Ohio River, regarding the titles of settlers. A. S. P., P. L., 1: 33. — p. Ath.

4 C: 1 S. March 15, 1796.

By Mr. Venable, on petitions of sundry citizens relative to election of J. B. Varnum, of Massachusetts. A. S. P., Misc., 1: 145. — p. Ath.

4 C: 1 S. March 17, 1796.

By Mr. Smith, on increase of revenue. A. S. P., Fin., 1: 409–410. n. p., n. d. 11 p. Ath. W. D. L.

4 C: 1 S. March 25, 1796.

By Mr. Baldwin, on army organization. A. S. P., Mil. Af., 1: 112–115. — p. Ath.

4 C: 1 S. April 4, 1796.

By Mr. Thatcher, on alterations in the act to establish the post-office and post-roads within the United States. A. S. P., P. O., 16. n. p., n. d. — p. Ath.

4 C: 1 S. April 12, 1796.

By Mr. Dearborn, on message from the President relative to territory of the United States south of the river Ohio. A. S. P., Misc., 1: 147. Ath.

4 C: 1 S. April 12, 1796.

By Mr. Harrison, on weights and measures. A. S. P., Misc., 1: 148. 7 pp. Ath.

4 C: 1 S. April 12, 1796.

By Mr. Tracy, on the petition of John Gibbons, relative to settlement of military claims of Georgia. A. S. P., Claims, 185–188. Ath.

4 C: 1 S. April 26, 1796.

By Mr. Livingston, on the truth of the information that a son of General Lafayette is in the United States. A. S. P., Misc., 1: 149. n. p., n. d. — pp. Ath.

4 C: 1 S. May 3, 1796.

By Mr. William Smith, regarding refusal of the bank to renew Government loans. A. S. P., Fin., 1: 142. Ath.

4 C: 1 S. May 7, 1796.

By Mr. Tracy, on the memorial of S. G. and C. Fowler, administrators of S. Fowler. n. p., n. d. — p. Ath.

4 C: 1 S. May 9, 1796.

By Mr. Lyman, on fortifications. A. S. P., Mil. Af., 1: 115–116. n. p., n. d. — p. Ath.

4 C: 1 S. May 12, 1796.

By Mr. W. Smith, on preemption rights northwest of the Ohio. A. S. P., L., 1: 68. n. p., n. d. — p. Ath.

4 C: 1 S. May 12, 1796.
By Mr. Coit, on slavery in the Northwestern Territory. A. S. P., L., 1: 68–70. n. p., n. d. — p. Ath.

4 C: 1 S. May 13, 1796.
By Mr. Tracy, on the claim of the estate of General Greene. A. S. P., Claims, 189–190. n. p., n. d. — p. Ath.

4 C: 1 S. May 13, 1796.
By Mr. Venable, on petition of Matthew Lyon under election of Israel Smith. n. p., n. d. — p. Ath.

4 C: 1 S. May 17, 1796.
By Mr. Tracy, on an act making an extra allowance to certain deceased clerks. n. p., n. d. — p. Ath.

4 C: 1 S. May 17, 1796.
By Mr. Tracy, on the petition of A. Fowler regarding land claims for services under the King prior to the Revolution. A. S. P., P. L., 1: 70. n. p., n. d. — p. Ath.

4 C: 1 S. May 18, 1796.
By Mr. William Smith, on appropriations for the military and naval establishments of the United States, and payment of military pensions for the year 1796. n. p., n. d. — p. Ath.

4 C: 1 S. May 26, 1796.
By Mr. Tracy, on the petition of O. Pollock. n. p., n. d. — p. Ath.

4 C: 1 S. May 26, 1796.
By Mr. Tracy, on petition of Henry Hill. n. p., n. d. — p. Ath.

4 C: 1 S. May 31, 1796.
By Mr. Tracy, on letter (referred December 23, 1795) from the Secretary of the Treasury relative to unadjusted claims. n. p., n. d. — p. Ath.

SENATE DOCUMENTS.

4 C: 2 S. December 7, 1796.
Annual message from the President. n. p., n. d. 9 p. W. D. L.

4 C: 2 S. December 10, 1796.
Accounts of Treasurer of the United States, Samuel Meredith, for quarters ending June 30 and September 30, 1796. n. p., n. d. — p. W. D. L.

4 C: 2 S. December 16, 1796.
Report of Commissioners of the Sinking Fund. n. p., n. d. 6 p. Ath. Also A. S. P., Fin., 1: 465.

4 C: 2 S. House? December 20, 1796.
Report of Secretary of State Pickering on the Mint. A. S. P., Fin., 1: 473–478. n. p., n. d. 5 pp., 128–141. Ath., W. D. L.

4 C: 2 S. December 21, 1796.
Memorial by Commissioners Gustavus Scott, William Thornton, and Alexander White on institution of a national university. n. p., n. d. 6 p. Ath.

4 C: 2 S. January 13, 1797.
Petition of the Illinois and Wabash Land Company. A. S. P., P. L., 1: 72–73. n. p., n. d. — p. Ath.

4 C: 2 S. January 26, 1797.

Report of the Commissioners of the Sinking Fund. A. S. P., Fin., 1: 467–470. n. p., n. d. — p. Ath.

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4 C: 2 S. February 10, 1797.

By Mr. Sedgwick, on method of electing the President and Vice-President, etc. n. p., n. d. — p. Ath.

4 C: 2 S. March 2, 1797.

By Mr. Ross, on the southern and western limits of Georgia. A. S. P., P. L., 1: 79–80. n. p., n. d. — p. Ath.

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4 C: 2 S. December 7, 1796.

Annual message from the President. Philadelphia, Ormrod and Conrad, 1786. 12 p. Ath. W. D. L.?

4 C: 2 S. December 12, 1796.

Letter accompanying sundry statements regarding annual expenditure of the War Department from the commencement of present Government to December 31, 1795. n. p., n. d. 7, 15, 19 p., 2 bdsds. Ath. W. D. L.

4 C: 2 S. December 16, 1796.

Annual report of Secretary of Treasury Wolcott, with estimates for the coming year. n. p., n. d. 33 p. W. D. L.?

4 C: 2 S. December 16, 1796.

Letter from Secretary of Treasury Wolcott, regarding drawbacks. A. S. P., Fin., 1: 471–473. n. p., n. d. 4 pp., 1 bdsd. Ath. W. D. L.

4 C: 2 S. December 20, 1796.

Letter from Secretary of State Pickering, recommending alterations in the United States Mint. n. p., n. d. 19 pp. Ath. W. D. L.

4 C: 2 S. December 26, 1796.

Letter from Secretary of War McHenry, reporting on petition of H. L. White. Also A. S. P., Ind., 1: 585. n. p., n. d. — p. Ath.

4 C: 2 S. December 29, 1796.

Letter from Secretary of Treasury Wolcott, on receipts and disbursements during 1795. Ath.

4 C: 2 S. December 29, 1796.

Report (December 28) of Secretary of Treasury Wolcott on the public debt. A. S. P., Fin., 1: 481–491. n. p., n. d. — p. Ath.

4 C: 2 S. December 29, 1796.

Letter from Secretary of Treasury Wolcott, transmitting report of Commissioners of Washington City with documents A, B, C, D, E, and F. n. p., n. d. — p. Ath.

4 C: 2 S. January 13, 1797.

Letter from Attorney-General Lee, reporting on the petition of F. Forsyth. Ath.

4 C: 2 S. January 19, 1797.

Letter from Secretary of Treasury Wolcott, transmitting estimate of Secretary of War McHenry for naval purposes and fortifications. Ath.

4 C: 2 S. January 25, 1797.
Letter from Secretary of War McHenry on the naval equipment. n. p., n. d. 11 p., 1 bdsd. W. D. L.

4 C: 2 S. January 26, 1797.
Report of the Commissioners of the Sinking Fund. n. p., n. d. — p. Ath.

4 C: 2 S. January 27, 1797.
Accounts of Treasurer of the United States, Samuel Meredith, of War Department expenditures for quarter ending December 31, 1796. n. p. n. d. — p. W. D. L.

4 C: 2 S. February 20, 1797.
Letter from Secretary of War McHenry, under H. Res. February 15, relative to expenditures during 1796 in military departments. n. p., n. d. 8 p. Ath. W. D. L.

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4 C: 2 S. December 9, 1796.
By Mr. Gilman, on unfinished business of last session. 8 p. Ath.

4 C: 2 S. December 21, 1796.
By Mr. Madison, on memorial of commissioners of Washington city relative to the establishment of a national university. A. S. P., Misc., 1: 153. n. p., n. d. 6 p. W. D. L.

4 C: 2 S. December 22, 1796.
By Mr. Tracey, on the petition of J. Gibbons. Ath.

4 C: 2 S. January 5, 1797.
By Mr. —— (May 27, 1796), on petition of John Carr, late lieutenant in Third Maryland Regiment. Ath.

4 C: 2 S. January 11, 1797.
By Mr. Swift, on the promotion of agriculture. A. S. P., Misc., 1: 154. n. p., n. d. 8 p. Ath.

4 C: 2 S. February 3, 1797.
By Mr. Jeremiah Smith, on memorial of Illinois and Wabash Land Company. A. S. P., P. L., 1: 74–75. n. p., n. d. 4 p. Ath.

4 C: 2 S. February 10, 1797.
By Mr. William Lyman, on fortifications of forts and harbors. A. S. P., Mil. Af., 1: 116. n. p., n. d. 4 p. Ath.

SENATE DOCUMENTS.

5 C: 1 S. May 16, 1797.
Message from the President. n. p., n. d. 12 p. Ath., W. D. L.

4 C: 1 S. May 16, 1797.
Documents accompanying message of the President of this date. n. p., n. d. — p. Ath.

5 C: 1 S. May 19, 1797.
Report, May 17, from Secretary of State Pickering on foreign relations. A. S. P., For. R., 2: 5–18. Philadelphia, W. Ross. 63 p. W. D. L. Ath.

HOUSE DOCUMENTS.

5 C: 1 S. June 3, 1797.

Letter from Secretary of Treasury Wolcott transmitting report and accounts of commissioners of Washington city to May, 1797, with documents A, B, C, D, and E. n. p., n. d. 15 p. Ath.

5 C: 1 S. June 12, 1797.

Message, June 12, from the President on the Florida boundary. A. S. P., For. R., 2: 20–27. n. p., n. d. 36 p. Ath. W. D. L.

5 C: 1 S. June 14, 1797.

Report of Secretary of Treasury Wolcott on the national finances. n. p., n. d. 15 p. W. D. L.

5 C: 1 S. June 19, 1797.

Report of Secretary of War McHenry regarding corps of artillerists and engineers in service of the United States. n. p., n. d. —p. Ath.

5 C: 1 S. June 22, 1797.

Message from the President transmitting report of Secretary of State Pickering regarding depredations on commerce of United States by Spain, Great Britain, and France. A. S. P., For. R., 2: 28–65. Philadelphia. n. d. 10 p. 6 docs. 1 bdsd. Ath. W. D. L.

HOUSE REPORTS.

5 C: 1 S. June 10, 1797.

By Mr. Livingston, on fortifications. A. S. P., Mil. Af., 1: 117–119. n. p., n. d. — p. Ath. L.

SENATE DOCUMENTS.

5 C: 2 S. December 4, 1797.

Report of the commissioners of the sinking fund. A. S. P., Fin., 1: 497–503. Ath.

5 C: 2 S. December 14, 1797.

Report of Commissioners Scott, Thornton, and White on Washington city. 10 p. Ath.

5 C: 2 S. January 1, 1798.

Secretary of State Pickering on ratification of amendments to Constitution. n. p., n. d. 12 p. Ath.

5 C: 2 S. January 8, 1798.

Message from the President in regard to treaty with the Cherokees. A. S. P., Ind. Af., 1: 631. n. p., n. d. 1 p. Ath. L.

5 C: 2 S. January 8, 1798.

Report of Secretary of Treasury Wolcott on importations. A. S. P., Com. and Nav., 1: 363–371. n. p., n. d. 2 p. Ath.

5 C: 2 S. January 18, 1798.

Message from the President on imprisonment for debt. A. S. P., Misc., 1: 162–163. n. p., n. d. 8 p. Ath.

5 C: 2 S. January 23, 1798.

Message from the President transmitting report from Secretary of State Pickering on relations with Spain. A. S. P., For. R., 2: 78–103. n. p., n. d. 91 p. Ath.

5 C: 2 S. January 8, 1798.
Letter from Secretary of Treasury Wolcott. n. p., n. d. — p. Ath.

5 C: 2 S. February 3, 1798.
Message from the President on relations with Great Britain. A. S. P., For. R., 2: 103–115. n. p., n. d. — p. Ath.

5 C: 2 S. February 5, 1798.
Message from the President, on outrages committed by French ships within American waters. A. S. P., For. R., 2: 116–119. Ath.

5 C: 2 S. February 7, 1798.
Articles of impeachment against Senator W. Blount. Ath.

5 C: 2 S. February 12, 1798.
Message from the President, on contingent expenses. n. p., n. d. 7 p. Ath.

5 C: 2 S. February 23, 1798.
Message from the President, inclosing memorial from Commissioners Scott, Thornton, and White on the Federal city. n. p., n. d. 14 p. Ath.

5 C: 2 S. March 5, 1798.
Message from the President, on relations with France. A. S. P., For. R., 2: 150–151. A. S. P., Fin., 2: 150–151. Ath.

5 C: 2 S. March 19, 1798.
Message from the President, on relations with France. A. S. P., For. R., 2: 152. Printed: not found. Translated into French by M. Peltier, published by T. Baylis, London, 1798. 70 p. W. D. L.

5 C: 2 S. April 3, 1798.
Message from the President, on relations with France. A. S. P., For. R., 2: 153–168. n. p., n. d. 71 p. Ath.

5 C: 2 S. May 4, 1798.
Message from the President, on relations with France. A. S. P., For. Rel., 2: 169–182. n. p., n. d. 72 p. W. D. L.

5 C: 2 S. May 29, 1798.
Report of Commissioners Scott, Thornton, and White on Washington City. n. p., n. d. 15 p. Ath.

5 C: 2 S. June 5, 1798.
Message from the President, on relations with France. A. S. P., For. R., 2: 185–188. n. p., n. d. 15 p. Ath.

5 C: 2 S. S. Doc. June 21, 1798.
Message from the President, on relations with France. A. S. P., For. R., 2: 199–201–202. Ath.

5 C: 2 S. June 27, 1798.
Message from the President, on immigration from West Indies. A. S. P., For. R., 2: 201. Ath.

SENATE REPORTS.

5 C: 2 S. February 23, 1798.
By Mr. Rose, on boundaries of Georgia and West Florida. A. S. P., Misc., 1: 178–179. Ath.

5 C: 2 S. March 1, 1798.

By Mr. Livermore, on rules for the impeachment of W. Blount. Ath.

5 C: 2 S. March 19, 1798.

Report by Mr. Marshall, on petition of Margaret Lapsley. n. p., n. d. —p. Ath.

HOUSE DOCUMENTS.

5 C: 2 S. December 5, 1797.

Report of commissioners of sinking fund. Philadelphia, Z. Poulson and W. Young. 1–8, 1 bdsd., 11–25 p. Ath. W. D. L.

5 C: 2 S. December 11, 1797.

Annual report and estimates of Secretary of Treasury Wolcott. n. p., n. d. 47 p. Ath.

5 C: 2 S. December 19, 1797.

Report of Director of the Mint, Elias Boudinot. A. S. P., Fin., 1: 503–505. Philadelphia, n. d. 8 p. Ath. W. D. L.

5 C: 2 S. December 28, 1797.

Report of Secretary of Treasurer Wolcott, on the claim of General Kosciusko. A. S. P., Claims, 207–208. n. p., n. d. — p. Ath. W. D. L.

5 C: 2 S. January 5, 1798.

Report by Secretary of War McHenry, under H. resolution of December 28, 1797, on running a line from Clinch River to Chilhowee Mountain. Cherokee Boundary, A. S. P., Ind. Af., 1: 628–631. Ath.

5 C: 2 S. January 8, 1798.

Report of Secretary of Treasury Wolcott, under H. Res., March 3, 1797, on imports from October 1, 1794, to September 30, 1796. Fol. W. Ross. n. p., n. d. (3) p., 2 bdsds. W. D. L.

5 C: 2 S. January 11, 1798.

Report of Secretary of Treasury Wolcott, on foreign coins. A. S. P., Finance, 1: 506. n. p., n. d. 6 p. Ath.

5 C: 2 S. January 25, 1798.

Report of Secretary of Treasury Wolcott, under H. Res., February 2, 1797, on the collection of revenue. A. S. P., Finance, 1: 506–507. n. p., n. d. 158 p. Ath. W. D. L.

5 C: 2 S. February 6, 1798.

Report of Secretary of Treasury Wolcott, on petition of inhabitants of Newport. Ath.

5 C: 2 S. February 7, 1798.

Report of Secretary of Treasury Wolcott, under H. Res. of March 3, 1797, on the military and naval establishments and the fortifications of the United States. A. S. P., Fin., 1: 507–551. Fol. n. p. W. Ross. n. d. (56) p. Ath. W. D. L.

5 C: 2 S. February 9, 1798.

Report of Secretary of Treasury Wolcott, on drawbacks as compared with duties paid during 1794–1796. A. S. P., Fin., 1: 551–552. Fol. n. p. W. Ross. n. d. (3) p., 1 bdsd. Ath. W. D. L.

5 C: 2 S. February 19, 1798.

Message from the President, on claims against Great Britain. A. S. P., For. R., 2: 119–123. n. p., n. d. 12 p. Ath.

5 C: 2 S. February 23, 1798.

Report, February 21, of Secretary of Treasury Wolcott, under H. Res. January 6, 1797, on internal revenue. A. S. P., Fin., 1: 557–575. Fol. n. p. J. H. Oswald. 12 (22) p. Ath. W. D. L.

5 C: 2 S. March 1, 1798.

Report of Secretary of State Pickering, under H. Res., November 29, 1797, on the impressment of American seamen. A. S. P., For. R., 2: 126–150. A. S. P., Com. and Nav., 1: 372–376. Fol. Philadelphia, Way & Groff. n. d. 1–9, 1 bdsd., 11–53 p. Ath. W. D. L.

5 C: 2 S. March 5, 1798.

Speech of Albert Gallatin, on the foreign intercourse bill, salaries of ministers, etc. n. p., n. d. 18 p. Ath. W. D. L.

5 C: 2 S. March 30, 1798.

Letter of Secretary of Treasury Wolcott, on contracts for subsistence of the Army. n. p., n. d. — p. Ath.

5 C: 2 S. April 6, 1798.

Report of Secretary of Treasury Wolcott, under H. Res., April 4, on tonnage duties. Fol. Philadelphia, Way & Groff. n. d. (7) p. Ath. W. D. L.

5 C: 2 S. April 11, 1798.

Letter of Secretary of War McHenry, on increase in naval force for the protection of commerce and defense of the country. A. S. P., Nav. Af., 1: 34–36. n. p., n. d. 16 p. Ath.

5 C: 2 S. April 12, 1798.

Report of Secretary of War McHenry, on purchases of cannon. n. p., n. d. 7 p. Ath.

5 C: 2 S. April 13, 1798.

Report of Secretary of Treasury Wolcott, on petition of merchants of Philadelphia. n. p., n. d. 14 p., 4 bsds. Ath. W. D. L. Reprinted in H. Rep. March 19, 7 C: 1 S., by Mr. Samuel Smith.

5 C: 2 S. April 16, 1798.

Report, April 13, of Secretary of War McHenry, under H. Res., March 28, on military expenditures during 1797. Philadelphia, Way & Groff. n. d. Fol. 32 p. W. D. L.?

5 C: 2 S. April 18, 1798.

Report of Secretary of Treasury Wolcott, on salaries of officers of the internal revenue. A. S. P., Fin., 1: 576–579. Philadelphia, Joseph Gales. n. d. 16 p. Ath.

5 C: 2 S. April 23, 1798.

Letter from Secretary of War McHenry, under two House resolutions, March 28, on estimates for the Quartermaster's Department of the Army. Philadelphia, Joseph Gales. n. d. 15 p. Ath. W. D. L.

5 C: 2 S. May 1, 1798.

Report, April 2, of Secretary of War McHenry, under House resolutions, January 15 and March 16, on causes of increased expenditures for the Navy. A. S. P., Nav. Af., 1:37–64. Fol. Philadelphia, W. Ross. n. d. 54 p., 1 bdsd. Ath. W. D. L.

5 C: 2 S. May 14, 1798.

U. S. Treasurer's accounts of public moneys from January 1 to December 31, 1797, and of War Department funds. n. p., n. d. — p. Ath.

5 C: 2 S. May 25, 1798.

Letter from Secretary of Treasury Wolcott, on quotas of respective States in a tax of two millions, etc. A. S. P., Fin., 1:588–590. n. p., n. d. — p. Ath.

5 C: 2 S. May 28, 1798.

Letter from Secretary of Treasury Wolcott, submitting estimates for pay of clerks in offices of commissioner of loans. n. p. — p. Ath.

5 C: 2 S. May 29, 1798.

Letter from Secretary of Treasury Wolcott, on the seat of government of the United States. n. p., n. d. — p. Ath.

5 C: 2 S. June 18, 1798.

Message from the President, on relations with France. A. S. P., For. R., 2:188–199. Philadelphia, Joseph Gales. n. d. 72 p. Ath. W. D. L.

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5 C: 2 S. November 20, 1797.

By Mr. Macon, on unfinished business of preceding sessions. n. p., n. d. — p. Ath.

5 C: 2 S. November 22, 1797.

By Mr. Livingston, on operation of the act for the relief of American seamen. p. 21–41, 2 bdsds. W. D. L. Ath.

5 C: 2 S. December 8, 1797.

By Mr. Havens, on report of the Director of the Mint. — p. Ath.

5 C: 2 S. December 8, 1797.

By Mr. Venable, on the petition of John Carr. n. p., n. d. — p. Ath.

5 C: 2 S. December 11, 1797.

By Mr. Harper, on necessary alterations in the "Act laying duties on stamped paper." n. p., n. d. — p. Ath.

5 C: 2 S. December 11, 1797.

By Mr. Venable, on circulation of foreign coins. A. S. P., Fin., 1: 503. n. p., n. d. — p. Ath.

5 C: 2 S. December 11, 1797.

By Mr. Macon, on laws soon to expire. n. p., n. d. p. 103–106. Ath. W. D. L.

5 C: 2 S. December 15, 1797.

By Mr. Harper, on method of taking evidence in cases of contested elections of members of the House. A. S. P., Misc., 1:159–160. n. p., n. d. — p. Ath.

5 C: 2 S. December 18, 1797.

By Mr. Harper, on petition of W. Tomlinson and others. n. p., n. d. — p. Ath.

5 C: 2 S. December 20, 1797.

By Mr. Pinckney, on the remonstrance and petition of the legislature of Tennessee. A. S. P., Ind. Af., 1:628. n. p., n. d. (2), p. 162. Ath. W. D. L.

5 C: 2 S. December 20, 1797.

By Mr. Foster, on petition of Comfort Sands. n. p., n. d. — p. Ath.

5 C: 2 S. December 22, 1797.

By Mr. Foster, on petition of A. Bagley. n. p., n. d. — p. Ath.

5 C: 2 S. December 26, 1797.

By Mr. Sewall, on protection of American commerce. A. S. P., For. R., 2:77–78. Ath.

5 C: 2 S. December 27, 1797.

By Mr. Livingston, on the De Grasse claim. A. S. P., Claims, 206–207. n. p., n. d. — p. Ath.

5 C: 2 S. December 29, 1797.

By Mr. Livingston, on petitions of O. Cook, A. Wood, jr., and R. Hooper. n. p., n. d. — p. Ath.

5 C: 2 S. January 1, 1798.

By Mr. J. Williams, on establishing a uniform militia throughout the United States. n. p., n. d. — p. Ath.

5 C: 2 S. January 2, 1798.

By Mr. Foster, on petition of S. Alexander, widow of the late major-general, Earl of Stirling. n. p., n. d. — p. Ath.

5 C: 2 S. January 2, 1798.

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5 C: 2 S. January 4, 1798.

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5 C: 2 S. January 4, 1798.

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5 C: 2 S. January 8, 1798.

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5 C: 2 S. January 8, 1798.

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5 C: 2 S. January 16, 1798.

By Mr. Sewall, on President's message relative to protection of American commerce. A. S. P., Nav. Af., 1:32–33. n. p., n. d. 7 p; also p. 264–272. Ath. W. D. L.

5 C: 2 S. January 17, 1798.

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5 C: 2 S. January 18, 1798.
By Mr. Foster, on the petition of Lucy Clark. n. p., n. d. — p. Ath.

5 C: 2 S. January 19, 1798.
By Mr. ———, letters to chairman of committee of impeachment against W. Blount. n. p., n. d. — p. Ath.

5 C: 2 S. January 23, 1798.
By Mr. Foster, on petitions of J. Nelson and S. Russell. n. p., n. d. — p. Ath.

5 C: 2 S. January 25, 1798.
By Mr. Sitgreaves, further reports against William Blount, U. S. Senator. n. p. John Fenno, (11) p. W. D. L.

5 C: 2 S. January 28, 1798.
By Mr. Sitgreaves, on memorial of the Quakers. n. p., n. d. —p. Ath.

5 C: 2 S. January 29, 1798.
By Mr. Foster, on extending the provisions of an act to protect the frontiers. n. p., n. d. — p. Ath.

5 C: 2 S. January 30, 1798.
By Mr. Foster, on the memorial of A. Macomb and W. Edgar. n. p., n. d. — p. Ath.

5 C: 2 S. January 31, 1798.
By Mr. Macon, on salaries and duties of departmental clerks. n. p., n. d. 42 p.; also p. 319–360. Ath. W. D. L.

5 C: 2 S. February 2, 1798.
By Mr. Venable, on the proposed expulsion of Matthew Lyon, member of the House. n. p., n. d. 4 p. Ath. W. D. L.

5 C: 2 S. February 9, 1798.
By Mr. Livingston, on duty on coal. A. S. P., Fin., 1: 553. n. p., n. d. — p. Ath.

5 C: 2 S. February 14, 1798.
By Mr. Foster, on petition of H. Hill. n. p., n. d. p. 380–394. Ath. W. D. L.

5 C: 2 S. February 14, 1798.
By Mr. Otis, on reimbursements to United States consuls. n. p., n. d. — p. Ath.

5 C: 2 S. February 14, 1798.
By Mr. Harper, on duties by stamps. A. S. P., Fin., 1: 554–557. n. p., n. d. 9 p.; also p. 395–400. Ath. W. D. L.

5 C: 2 S. February 15, 1798.
By Mr. Livingston, on petition of R. Smith and N. Strong. n. p., n. d. — p. Ath.

5 C: 2 S. February 20, 1798.
By Mr. Venable, on the expulsion of Matthew Lyon and Roger Griswold, members of the House. A. S. P., Misc., 1: 174–178. n. p., n. d. — p. Ath.

5 C: 2 S. February 26, 1798.
By Mr. Foster, on memorials of J. Ball. n. p., n. d. — p. Ath.

5 C: 2 S. February 26, 1798.

By Mr. N. Smith, on the President's message relative to the act for the relief of persons imprisoned for debt. A. S. P., Misc., 1: 179. n. p., n. d. — p. Ath.

5 C: 2 S. February 27, 1798.

By Mr. Livingston, on amendments to the bill for the relief of refugees from the British provinces. n. p., n. d. — p. Ath.

5 C: 2 S. March 8, 1798.

By Mr. Craik, on the memorial of the commissioners of the city of Washington. n. p., n. d. — p. Ath.

5 C: 2 S. March 8, 1798.

By Mr. Sewall, on the protection of American commerce. A. S. P., Nav. Af., 1: 33–34. Mil. Af., 1: 119–120. n. p., n. d. — p. Ath.

5 C: 2 S. March 19, 1798.

By Mr. Foster, on petitions of G. P. Frost, C. Jackson, and others. n. p., n. d. — p. Ath.

5 C: 2 S. March 22, 1798.

By Mr. Foster, on petition of J. Perry. n. p., n. d. — p. Ath.

5 C: 2 S. March 26, 1798.

By Mr. Foster, on revisal of laws relating to pensions. n. p., n. d. 10 p. 463–472. Ath. W. D. L.

5 C: 2 S. March 28, 1798.

By Mr. Foster, on petition of James Swan. n. p., n. d. — p. Ath.

5 C: 2 S. April 2, 1798.

By Mr. Sewall, on memorial of New York Chamber of Commerce. n. p., n. d. — p. Ath.

5 C: 2 S. April 18, 1798.

By Mr. Livingston, on petition of G. and H. Colhoun. n. p., n. d. — p. Ath.

5 C: 2 S. April 25, 1798.

By Mr. Otis, on petition of J. Greanleaf relative to relief of persons imprisoned for debt and of remission of penalties, forfeitures, etc. A. S. P., Misc., 1: 180.

5 C: 2 S. April 25, 1798.

By Mr. Foster, on petition of T. Lewis. n. p., n. d. — p. Ath.

5 C: 2 S. May 1, 1798.

By Mr. Sewall, on regulations relative to aliens. n. p., n. d. — p. Ath.

5 C: 2 S. May 1, 1798.

By Mr. Harper, on establishing a direct tax. A. S. P., Fin. 1: 579–587. Fol. n. p., n. d. 6 (11) p. Ath. W. D. L.

5 C: 2 S. May 2, 1798.

By Mr. Foster, on petition of B. Wells. n. p., n. d. — p. Ath.

5 C: 2 S. May 3, 1798.

By Mr. Pinckney, on remonstrance of the legislature of Georgia. A. S. P., Inf. Af., 1: 637. n. p., n. d. — p. Ath.

5 C: 2 S. May 7, 1798.
By Mr. Macon, on memorial of W. Simmons. n. p., n. d. — p. Ath.

5 C: 2 S. May 19, 1798.
By Mr. Foster, on petition of J. Vaughan. n. p., n. d. — p. Ath.

5 C: 2 S. May 22, 1798.
By Mr. Sewall, on President's message relative to protection of American commerce. n. p., n. d. — p. Ath.

5 C: 2 S. June 13, 1798.
By Mr. Gallatin, on letter of United States surveyor-general, R. Putnam. n. p., n. d. — p. Ath.

5 C: 2 S. June 13, 1798.
By Mr. Gallatin, on sales of public lands. A. S. P., P. L., 1: 82–83. n. p., n. d. — p. Ath.

5 C: 2 S. H. Doc. June 22, 1798.
Instructions (June 21) to the envoys extraordinary from the United States to the French Republic. n. p., n. d. — p. Ath.

5 C: 2 S. July 5, 1798.
By Mr. Harper, on methods of accounts, etc., in the various executive departments. A. S. P., Fin., 1: 590–592. n. p., n. d. 10 p. Ath.

SENATE DOCUMENTS.

5 C: 3 S. December 8, 1798.
Annual message from the President. Philadelphia, J. Gales. n. d. 8 p. W. D. L.

5 C: 3 S. December 31, 1798.
Message from the President relative to the reorganization of the Army. Ath.

HOUSE DOCUMENTS.

5 C: 3 S. December 17, 1798.
Report of the commissioners of the sinking fund. n. p., n. d. — p. Ath.

5 C: 3 S. December 20, 1798.
Accounts of the Treasurer of the United States for year ending June 30, 1798. n. p., n. d. 83 pp. W. D. L.

5 C: 3 S. December 31, 1798.
Message from the President, transmitting reports by Secretary of War McHenry relative to the organization of the Army. n. p., n. d. (27) p. Ath. W. D. L.

5 C: 3 S. January 8, 1799.
Message from the President, on contingent fund. n. p., n. d. — p. Ath.

5 C: 3 S. January 18, 1799.
Message from the President, on relations with France, with documents. A. S. P., For. Rel., 2: 204–229. n. p., n. d. 123, 58 pp. Ath.

5 C: 3 S. January 21, 1799.
Message from the President, transmitting report of Secretary of State Pickering on relations with France. A. S. P., For. Rel., 2: 229–238. n. p., n. d. 46 pp. Ath.

5 C: 3 S. January 31, 1799.

Letter of Secretary of Treasury Wolcott, transmitting report of the Comptroller of the Treasury on the Mint. A. S. P., Finance, 1: 603–611. n. p. Way & Groff. n. d. (4) pp., 6 bdsds. W. D. L.

5 C: 3 S. February 12, 1799.

Letter from Secretary of Navy Stoddert, relative to the naval establishment, in connection with the message from the President. n. p., n. d. — p. Ath.

5 C: 3 S. February 12, 1799.

By Mr. Foster, on petition of Comfort Sands et al. n. p., n. d. — p. Ath. W. L. D.

5 C: 3 S. February 27, 1799.

Report of Secretary of State Pickering, relative to the claim of John Brown Cutting. Philadelphia. Way & Groff. n. d. 23 p. Ath., W. D. L.

HOUSE REPORTS.

5 C: 3 S. December 27, 1798.

By Mr. Thatcher. Further report on laws near expiration. n. p., n. d. 4 pp. Ath.

5 C: 3 S. January 21, 1799.

By Mr. Harper, on stamp duties. 12 pp., 2 bdsds. Ath. W. D. L.

5 C: 3 S. January 21, 1799.

By Mr. Harper, on amendments to act regarding valuation of land, etc. A. S. P., Finance, 1: 601–602. n. p., n. d. 8 pp. Ath. W. D. L.?

5 C: 3 S. January 23, 1799.

By Mr. Parker, on bill for government of United States Navy. n. p., n. d. — p. Ath.

5 C: 3 S. February 4, 1799.

By Mr. Dwight Foster, on petition of Moses White. n. p., n. d. 5 pp. Ath. A. S. P., Misc., 1: 129.

SENATE DOCUMENTS.

6 C: 1 S. January 23, 1800.

Memorial of American Philosophical Society for a new census. A. S. P., Misc., 1: 202. n. p., n. d. — p. Ath.

6 C: 1 S. January 23, 1800.

Message from the President on Spanish claims. A. S. P., For. Rel., 2: 282. n. p., n. d. 8 p. Ath.

6 C: 1 S. April 17, 1800.

Message from the President, transmitting report of Secretary of War McHenry on officers appointed under act of July 16, 1798. A. S. P., Mil. Af., 1: 146–151. n. p., n. d. 28 pp. Ath.

SENATE REPORTS.

6 C: 1 S. January 23, 1800.

By Mr. Anderson, on petition of Samuel Glass. n. p., n. d. — p. Ath.

6 C: 1 S. February 17, 1800.
By Mr. Tracy, on relief of J. Canfield. n. p., n. d. — p. Ath.

6 C: 1 S. March 14, 1800.
By Mr. Hillhouse, on the Mint. A. S. P., Fin., 1: 632. n. p., n. d. — p. Ath. W. D. L.

6 C: 1 S. March 14, 1800.
By Mr. Dayton, on breach of privilege on part of William Duane (*Aurora*). n. p., n. d. 7 pp. Ath. W. D. L.

6 C: 1 S. March 17, 1800.
By Mr. Greene, on petitions of J. Russell, M. Jackson, and others. n. p., n. d. — p. Ath.

6 C: 1 S. March 17, 1800.
By Mr. Greene, on petition relative to bills of credit. n. p., n. d. 7 pp. Ath. W. D. L.

6 C: 1 S. March 22, 1800.
By Mr. Dayton, on breach of privilege by William Duane. n. p., n. d. — p. Ath.

6 C: 1 S. March 25, 1800.
By Mr. Dayton, on breach of privilege by William Duane. n. p., n. d. — p. Ath.

6 C: 1 S. March 31, 1800.
By Mr. Livingston, on Seth Harding claim. n. p., n. d. — p. Ath.

6 C: 1 S. April 7, 1800.
By Mr. Tracy, on confirmation of Spanish land grants in Mississippi. n. p., n. d. — p. Ath.

6 C: 1 S. April 7, 1800.
By Mr. Tracy, on petition of Thomas Burling and others. n. p., n. d. — p. Ath.

6 C: 1 S. April 9, 1800.
By Mr. Gunn, on Mississippi territory. n. p., n. d. — p. Ath.

HOUSE DOCUMENTS.

6 C: 1 S. December 5, 1799.
Message from the President, transmitting document pertaining to annual message. A. S. P., For. Rel., 2: 240–244. n. p., n. d. 42 p. Ath.

6 C: 1 S. December 27, 1799.
Report of Secretary of Navy Stoddert, on petition of French officers in prison at Burlington, N. J. n. p., n. d. 3 p. Ath. W. D. L., A. S. P., Misc., 1: 191.

6 C: 1 S. January 6, 1800.
Bill to establish an uniform system of bankruptcy throughout the United States. n. p., n. d. 35 p. W. D. L.

6 C: 1 S. January 7, 1800.
Report of Secretary of War McHenry, on expenses of Springfield national armory. n. p., n. d. — p. Ath.

6 C: 1 S. January 13, 1800.
Petition from citizens of Mississippi, asking change in form of government. n. p., n. d. 27 p. Ath.

6 C: 1 S. February 14, 1800.
Report of Secretary of Treasury Wolcott, on suspension of commercial intercourse between the United States and France. A. S. P., For. Rel., 2: 285–286. n. p., n. d. — p. Ath.

6 C: 1 S. February 17, 1800.
Report of Secretary of Treasury Wolcott, on claim of Seth Harding. n. p., n. d. — p. Ath.

6 C: 1 S. March 14, 1800.
Report from Secretary of War McHenry, on Georgia war claims, 1792–1796. n. p., n. d. 41 pp. Ath.

6 C: 1 S. April 18, 1800.
Report of Secretary of Treasury Wolcott, on claim of O. Pollock. n. p., n. d. — p. Ath.

6 C: 1 S. April 24, 1800.
Estimates of Secretary of Treasury Wolcott for enforcement of quarantine laws. n. p., n. d. 2 p. Ath.

6 C: 1 S. December 10, 1799.
By Mr. Griswold, on unfinished business. n. p., n. d. 6 p. Ath.

HOUSE REPORTS.

6 C: 1 S. December 23, 1799.
By Mr. Otis, on relief of persons imprisoned for debt. n. p., n. d. — p. Ath.

6 C: 1 S. January 20, 1800.
By Mr. Goodrich, on the assault on John Randolph, jr., member of the House. A. S. P., Misc. 1: 196–202. n. p., n. d. 28 p. Ath.

6 C: 1 S. February 11, 1800.
By Mr. Smith, on salvage in cases of recapture. n. p., n. d. — p. Ath.

6 C: 1 S. February 13, 1800.
By Mr. Livingston (motion) on amending the Constitution so as to forbid the appointment to office of former judges. n. p., n. d. 3 p. Ath. W. D. L.

6 C: 1 S. February 18, 1800.
By Mr. Claiborne, on petition of Cato West, regarding organization of government of Mississippi Territory. A. S. P., Misc., 1: 203–206. n. p., n. d. 14 p. Ath.

6 C: 1 S. February 21, 1800.
By Mr. Harper, on providing for estimates for 1800 by revenues and loans. n. p., n. d. 24 p. Ath.

6 C: 1 S. February 21, 1800.
By Mr. Harrison, on petition of Isaac Zane. n. p., n. d. — p. Ath. New.

6 C: 1 S. February 21, 1800.
By Dwight Foster, on petition of Lieut. Campbell Smith. A. S. P., Mil. Af., 1: 144–146. n. p., n. d. — p. Ath.

6 C: 1 S. March 10, 1800.
By Mr. Dwight Foster, on memorial of D. Jones and W. Rogers. n. p., n. d. — p. Ath.

6 C: 1 S. March 13, 1800.
By Mr. Nicholas (motion), for amendment of Constitution relative to electors and representatives. n. p., n. d. 3 p. Ath. W. D. L.

6 C: 1 S. March 17, 1800.
By Mr. Cooper, on copper mines of Lake Superior. n. p., n. d. 4 p. Ath.

6 C: 1 S. March 21, 1800.
By Mr. Marshall, on accepting public lands from Connecticut, etc. A. S. P., Pub. L., 1: 93–98. n. p., n. d. 31 p. Ath.

6 C: 1 S. March 21, 1800.
Report of Secretary of War McHenry on claim of John Armstrong for bounty lands. n. p., n. d. 8 p. Ath.

6 C: 1 S. April 1, 1800.
Report from Secretary of State Pickering on publication of laws. n. p., n. d. 6 p. Ath.

6 C: 1 S. April 2, 1800.
Report from Secretary of Treasury Wolcott on petitions relative to claims connected with the Pennsylvania insurrection. n. p., n. d. 21 p. Ath.

SENATE DOCUMENTS.

6 C: 2 S. December 31, 1800.
Address and remonstrance of the legislature of Georgia relative to the law of April 6, 1798. n. p., n. d. — p. Ath.

HOUSE DOCUMENTS.

6 C: 2 S. December 11, 1800.
Report from Secretary of Treasury Wolcot, submitting annual statements and estimates. n. p., n. d. 99 p. Ath. W. D. L.

6 C: 2 S. December 12, 1800.
Report of Secretary of State Marshall on impressed seamen. n. p., n. d. — p. Ath.

6 C: 2 S. February 17, 1801.
Report of Secretary of Treasury Wolcot on tonnage at close of 1799. n. p., n. d. — p. Ath. New.

6 C: 2 S. February 27, 1801.
Message from the President, transmitting report of Secretary of State Marshall relative to depredations on American commerce. A. S. P., For. R., 2:345. n. p., n. d. 12 p. 1 bdsd. W. D. L.

6 C: 2 S. February 27, 1801.
Message from the President, transmitting reports of Secretary of Treasury Dexter and of Acting Secretary of War Dexter on expenditure under acts of May 20, 1798, July 6, 1798, and May 10, 1800. 4to. n. p., n. d. 34 p. 1 bdsd.

HOUSE REPORTS.

6 C: 2 S. November 26, 1800.
By Mr. Platt, on unfinished business. n. p., n. d. — p. Ath.

6 C: 2 S. November 26, 1800.
By Mr. Dent, on credentials of members lately elected to the House. n. p., n. d. — p. Ath.

6 C: 2 S. December 9, 1800.
By Mr. Samuel Smith, on petition of Robert Hooper. n. p., n. d. — p. Ath.

6 C: 2 S. December 17, 1800.
By Mr. Henry Lee, on so much of President's message as refers to the District of Columbia. n. p., n. d. — p. Ath.

6 C: 2 S. December 19, 1800.
By Mr. Platt, on unfinished business. n. p., n. d. — p. Ath.

6 C: 2 S. January 28, 1801.
By Mr. Otis, on the condition of the Treasury. A. S. P., Fin., 1: 690–693. n. p., n. d. — p. Ath.

6 C: 2 S. February 19, 1801.
By Mr. Chauncey Goodrich, on the legislative representation of Mississippi. n. p., n. d. — p. Ath.

SENATE DOCUMENTS.

7 C: 1 S. December 17, 1801.
Report of the commissioners of the sinking fund. n. p., n. d. 10 p. Ath.

7 C: 1 S. February 16, 1802.
Message from the President, transmitting roll of persons having office or employment under the United States. Washington, William Duane, 1802. 52, 21, 3, 32, 22, 8, 15, and 13 p. The first Blue Book. W. D. L.

7 C: 1 S. March 2, 1802.
Report of Secretary of the Treasury Gallatin on American tonnage, 1800. n. p., n. d. 7 p. Ath.

7 C: 1 S. March 29, 1802.
Message from President on relations with Great Britain. A. S. P., For. R., 2: 382–428. n. p., n. d. — p. Ath.

SENATE REPORTS.

7 C: 1 S. April 29, 1802.
By Mr. Ogden, on the contract with John Cleves Symmes. A. S. P., P. L., 1: 126–127. n. p., n. d. — p. Ath.

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7 C: 1 S. December 8, 1801.

Annual message from the President. French translation published at Paris, Imprimerie—Libraire du Cercle-Social, 1802. 39 p. W. D. L.

7 C: 1 S. December 17, 1801.

Report of the commissioners of the sinking fund. n.p., n.d. —p. Ath.

7 C: 1 S. December 21, 1801.

Letter from Secretary of Treasury Gallatin relative to the internal revenues, with inclosures. A. S. P., Fin., 1: 718–727. Fol. Washington, William Duane, 1802. 14 p., 11 bdsds. W. D. L. Ath.

7 C: 1 S. December 21, 1801.

Letter from Secretary of Treasury Gallatin, transmitting reports of commissioners of Washington City, to November 18, 1801. n. p., n. d. —p. Ath.

7 C: 1 S. January 7, 1802.

Report of Secretary of State Madison on commercial relations with Great Britain. A. S. P., Com. and Nav., 1: 483–486. n. p., n. d. —p. Ath.

7 C: 1 S. January 7, 1802.

Letter (January 5) from Secretary of the Treasury Gallatin on duties and drawbacks from 1798 to 1800. A. S. P., Fin., 1: 728–728. n. p., n. d. 3 (1 bdsd). Ath. W. D. L.

7 C: 1 S. January 25, 1802.

Letter from Secretary of the Navy Smith, under House resolution of January 22, inclosing instructions authorizing the capture of vessels belonging to the French navy. n. p., n. d. 9 p. Ath. W. D. L.

7 C: 1 S. February 1, 1802.

Report (January 20) of Secretary of the Navy Smith on naval forces. A. S. P., Naval Affairs, 183. Washington, William Duane, 1802. 8 p. Ath. W. D. L.

7 C: 1 S. February 14, 1802.

Message from the President, transmitting laws of Indiana Territory from January, 1801, to February, 1802. n. p., n. d. 32 p. Ath. W. D. L.

7 C: 1 S. February 17, 1802.

Message from the President (February 16), transmitting certain documents relative to transactions between the United States and the Barbay Powers.

7 C: 1 S. February 23, 1802.

Message from the President, transmitting documents in case of claim relating to Danish ship *Hendrick*. n. p., n. d. —p. W. D. L.

7 C: 1 S. February 24, 1802.

Message from the President, transmitting report of Secretary of Treasury Gallatin on marine hospitals and on the treatment of seamen and boatmen visiting New Orleans. n. p., n. d. 11 p., 2 bdsds. Ath. W. D. L.

7 C: 1 S. February 26, 1802.

Message from the President, transmitting report of Secretary of State Madison on cases pending in States' courts. n. p., n. d. 7 p. Ath. W. D. L.

7 C: 1 S. March 2, 1802.

Report of Secretary of Treasury Gallatin, on district tonnage of the United States to December 31, 1800. A. S. P., Com. and Nav., 1: 499. n. p., n. d. — p. Ath. W. D. L.

7 C: 1 S. March 2, 1802.

Report of Secretary of Treasury Gallatin, as to emoluments of customs officers for 1801 and as to deposits by collectors. n. p., n. d. — p. Ath.

7 C: 1 S. March 24, 1802.

Letter from Secretary of Treasury Gallatin, transmitting report on the Mint. n. p., n. d. — p. Ath.

7 C: 1 S. April 16, 1802.

Message (April 15) from the President, transmitting, under H. Res., April 6, documents relating to the French corvette *Berceau*. A. S. P., For. R., 2: 428–439. n. p., n. d. 52 p., 1 bdsd. Ath. W. D. L.

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7 C: 1 S. January 21, 1802.

By Mr. Nicholson, on investigation of Treasury Department. n. p., n. d. — p. Ath.

7 C: 1 S. April 8, 1802.

By Mr. Dennis, on the city of Washington. A. S. P., Misc., 1: 330–336. n. p., n. d. — p. Ath.

7 C: 1 S. April 22, 1802.

By Mr. Giles, on depredations on American commerce by French cruisers. A. S. P., For. R., 2: 459–461. n. p., n. d. 16 p. Ath. W. D. L.

7 C: 1 S. April 24, 1802.

Report and estimates of clerk J. Beckley relative to the contingent expenses of the House of Representatives. n. p., n. d. 5 p. Ath.

7 C: 1 S. April 27, 1802.

By Mr. Mitchill, on naval preparations and sites for naval purposes. A. S. P., Nav. Af., 1: 103. n. p., n. d. 5 p. Ath. W. D. L.

SENATE DOCUMENTS.

7 C: 2 S. December 15, 1802.

Documents accompanying message from the President of December 15. Part I. A. S. P., For. Rel., 2: 461–469. n. p., n. d. 19 p. Part II. n. p., n. d. 25 p. Ath. W. D. L.

7 C: 2 S. January 6, 1803.

Report of Secretary of Treasury Gallatin, on internal revenue. n. p., n. d. 25 p. Ath.

7 C: 2 S. January 25, 1803.

Message from the President on Washington City. A. S. P., Miasco. 1: 337–339. n. p., n. d. 16 p. Ath.

7 C: 2 S. January 26, 1803.

Report of Secretary of State Madison, relative to restrictions imposed on American commerce by European powers. n. p., n. d. 24 p. Ath.

7 C: 2 S. January 27, 1803.

Memorial of mechanics concerned in the construction or equipment of public vessels. n. p., n. d — p. Ath.

7 C: 2 S. January 28, 1803.

Report from Attorney-General Lincoln, on Ohio land contracts. A. S. P., P. L., 1: 127–131. Washington, William Duane & Son, 1803. 24 p. Ath. W. D. L.

7 C: 2 S. February 9, 1803.

Report from Secretary of Treasury Gallatin, on imports to September 30, 1801. n. p., n. d. 4 p. Ath.

7 C: 2 S. February 14, 1803.

Message from the President, transmitting the laws of Indiana Territory passed from January, 1801, to February, 1802. n. p., n. d. — p. Ath.

7 C: 2 S. February 23, 1803.

Message from the President, transmitting papers relative to claim in case of Danish vessel *Hendrick*. n. p., n. d. 32 p. Ath.

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7 C: 2 S. January 19, 1803.

By Mr. Breckenridge, on the admission of Ohio. n. p., n. d. 2 p. Ath.

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7 C: 2 S. December 16, 1802.

Annual report of Secretary of Treasury Gallatin, with estimates for 1803. Washington, William Duane & Son, 1802. 64 p. Ath. W. D. L.

7 C: 2 S. December 20, 1802.

Letter from Secretary of Treasury Gallatin, with report under an act to establish the Treasury Department. Washington, William Duane & Son, 1802. 15 p. Ath. W. D. L.

7 C: 2 S. December 20, 1802.

Report of Secretary of Navy Smith, on navy pension fund. A. S. P., Nav. Af., 1: 103–104. Washington, William Duane & Son. (8) p. Ath. W. D. L.

7 C: 2 S. December 23, 1802.

Letter from Thomas Worthington, transmitting an ordinance passed by the convention of Ohio, together with the constitution formed by the convention. n. p., n. d. 35, 16 p. Ath. W. D. L.

7 C: 2 S. December 23, 1802.

Resolution regarding the establishment of post roads throughout the United States. n. p., n. d. 1 p. Ath.

7 C: 2 S. December 24, 1802.

Message from the President, inclosing report of Secretary of State Madison relative to impressed American seamen. A. S. P., Com. and Nav., 1: 500–502. Washington, William Duane & Son, 1802. 14 p., 1 bdsd. Ath. W. D. L.

7 C: 2 S. December 27, 1802

Accounts of the Treasurer of the United States to September 30, 1802. n. p., n. d. 130, 94 p. Ath. W. D. L.

7 C: 2 S. December 28, 1802.

Message (27) from the President, on dry docks. n. p., n. d. — p. Ath. W. D. L.

7 C: 2 S. January 5, 1803.

Message from the President, transmitting returns of militia. A. S. P., Mil. Af., 1: 159–162. Washington, William Duane & Son, 1803. 3 p., 4 bdsds. Ath. W. D. L.

7 C: 2 S. January 6, 1803.

Report of Secretary of Treasury Gallatin, on internal revenue. Washington, William Duane & Son, 1803. 8 p., 17 bdsds. Ath. W. D. L.

7 C: 2 S. January 17, 1803.

Report of Secretary of Treasury Gallatin, on exports to October 1, 1802. A. S. P., Com. and Nav., 1: 506–507. Washington, William Duane & Son, 1803. 3 p., 1 bdsd. Ath. W. D. L.

7 C: 2 S. January 25, 1803.

Message from the President on Washington City. Washington, William Duane & Son, 1803. 17 p. W. D. L.

7 C: 2 S. January 25, 1803.

Report of Postmaster-General Granger, on post-offices and post-roads. A. S. P., P. O., 28. Washington, William Duane & Son. 10 p., 1 bdsd. Ath. W. D. L.

7 C: 2 S. January 25, 1803.

Address of citizens of Washington county, Mississippi, relative to land claims and as to the conduct of commanders of army posts. n. p., n. d. — p. Ath.

7 C: 2 S. January 27, 1803.

Memorial of the mechanics of New York City and others. n. p., n. d. — p. W. D. L.

7 C: 2 S. February 1, 1803.

Memorial and report of a committee of the Norfolk Chamber of Commerce, on discriminating and countervailing duties. n. p., n. d. 4 p. W. D. L.

7 C: 2 S. February 3, 1803.

Message from the President, transmitting documents relative to John Pickering, United States district judge. Washington, William Duane & Son, 1803. 24 p. Ath. W. D. L. Printed with report of February 18, 1803.

7 C: 2 S. February 4, 1803.

Memorial of gun manufacturers of Lancaster, Pa. Washington, William Duane & Son, 1803. 6 p. Ath. W. D. L.

7 C: 2 S. February 4, 1803.

Report (February 3) of Secretary of War Dearborn on Georgia war claims for militia service. A. S. P., Claims, 277–282. Washington, William Duane & Son, 1803. 32 p. Ath. W. D. L.

7 C: 2 S. February 7, 1803.
Report of commissioners of the sinking fund. n. p., n. d. 19 p., 2 bsds. Ath. W. D. L.

7 C: 2 S. February 10, 1803.
Memorial of the general assembly of Mississippi. n. p., n. d. 6 p. Ath.

7 C: 2 S. February 11, 1803.
Petition of inhabitants of Nantucket for opening a channel to the harbor of that town. n. p., n. d. 8 p. Ath. W. D. L.

7 C: 2 S. February 18, 1803.
Letter from Secretary of Treasury Gallatin on district tonnage and American fisheries. A. S. P., Com. and Nav., 1: 527–531. Washington, William Duane & Son, 1803. 7 p., 2 bdsds. Ath. W. D. L.

7 C: 2 S. February 22, 1803.
Memorial of William Payne and others on Georgia land claims. A. S. P., P. L., 1: 159. n. p., n. d. 7 p. Ath. W. D. L.

7 C: 2 S. February 24, 1803.
Message (February 23) from the President, transmitting report of Secretary of State Madison on claim relating to Danish vessel *Henrich*. A. S. P., For. R., 2: 483–486. n. p., n. d. 8 p. Ath. W. D. L.

7 C: 2 S. March 1, 1803.
Letter from Secretary of Treasury Gallatin on collection of direct tax. n. p., n. d. 9 p. Ath. W. D. L.

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7 C: 2 S. December 13, 1802.
By Mr. Davenport, on unfinished business. n. p., n. d. —p. Ath.

7 C: 2 S. December 29, 1802.
By Mr. John Cotton Smith, on the petition of Charles Hyde. Washington, W. Duane & Son, 1802. 4 p. W. D. L.

7 C: 2 S. January 4, 1803.
By Mr. Dawson, motion of December 23, 1802, regarding post-roads. n. p., n. d. 3 p. W. D. L.

7 C: 2 S. January 6, 1803.
By Mr. S. Smith, on petition of Henry Messonier for return of duties paid. n. p., n. d. 10 p. Ath. W. D. L.

7 C: 2 S. January 7, 1803.
By Mr. Davenport, on laws expired or about to expire. n. p., n. d. —p. Ath.

7 C: 2 S. January 20, 1803.
By John Cotton Smith, on petitions of William Ray and John Follawell for pay as soldiers. n. p., n. d. 3 p. Ath. W. D. L.

7 C: 2 S. January 24, 1803.
By Mr. Van Rensselaer, on erection of monuments to the memory of generals Baron De Kalb, Davidson, Herkimer, Mercer, Francis Nash, Wooster, and Warren. n. p., n. d. 5 p. Ath. W. D. L.

7 C: 2 S. February 2, 1803.

By Mr. Bayard, motion of January 31, proposing indemnification for French spoliation claimants. n. p., n. d. 3 p. W. D. L.

7 C: 2 S. February 4, 1803.

By Mr. John Cotton Smith, on indemnifications for French spoliations. n. p., n. d. 16 p. W. D. L.

7 C: 2 S. February 10, 1803.

By Mr. Early, on Georgia militia claims. A. S. P., Claims, 284. Washington, W. Duane & Son, 1803. 4 p. Ath. W. D. L.

7 C: 2 S. February 11, 1803.

By Mr. ———, Committee of the Whole, on an extraordinary appropriation of two millions of dollars for foreign intercourse purposes. n. p., n. d. 11 p. W. D. L.

7 C: 2 S. February 15, 1803.

By Mr. Helms, on pensioning wounded soldiers. n. p., n. d. 3 p. Ath. W. D. L.

7 C: 2 S. February 16, 1803.

By Mr. Samuel Smith, on petition of inhabitants of Nantucket for survey of harbor. A. S. P., Com. and Nav., 1: 526–527. n. p., n. d. 8 p. Ath. W. D. L.

7 C: 2 S. February 18, 1803.

By Mr. Nicholson, on message from the President, of February 3, regarding charges against Judge Pickering. n. p., n. d. 20 p. The message of the President is printed as pp. 1–3 of the report. Ath. W. D. L.

7 C: 2 S. February 25, 1803.

By Mr. Mitchill, on quarantine regulations in the District of Columbia. A. S. P., Com. and Nav., 1: 531–532. n. p., n. d. 10 p. Ath. W. D. L.

7 C: 2 S. March 2, 1803.

By Mr. Randolph, on letter of William Henry Harrison relative to the suspension of the sixth article of the compact between the United States and the people of Indiana. n. p., n. d. 5 p. W. D. L.

SENATE DOCUMENTS.

8 C: 1 S. October 17, 1803.

Annual message from the President. A. S. P., For. R., 1: 61–63. n. p., n. d. — p. Ath.

8 C: 1 S. November 25, 1803.

Message from the President relating to the Kaskaskias. n. p., n. d. — p. Ath.

8 C: 1 S. November 28, 1803.

Annual report of Postmaster-General Granger on postal affairs. n. p., n. d. — p. Ath.

8 C: 1 S. December 20, 1803.

Report of Secretary of Treasury Gallatin on the direct tax. A. S. P., Fin., 2: 65–73. n. p., n. d. 19 p., 1 bdsd. W. D. L.

8 C: 1 S. January 4, 1804.

Act of legislature of North Carolina authorizing the State of Tennessee to perfect titles to lands reserved to the former State. n. p., n. d. 5 p. W. D. L.

8 C: 1 S. January 13, 1804.

Report from Secretary of Navy Smith on the Marine Corps. A. S. P. n. p., n. d. — p. Ath.

8 C: 1 S. January 13, 1804.

Report of Secretary of Navy Smith on relief of sick seamen. A. S. P., Com. and Nav., 1: 538–541. n. p., n. d. 20 p. Ath.

8 C: 1 S. February 6, 1804.

Report of commissioners of the sinking fund. A. S. P., Fin., 2: 84–101. n. p., n. d. — p. Ath.

8 C: 1 S. February 24, 1804.

Letter from Secretary of Navy Smith (February 17) on the reorganization of a peace naval establishment. n. p., n. d. 15 p. Ath.

SENATE REPORTS.

8 C: 1 S. January 9, (?) 1804.

By Mr. ———, report on the impeachment of Judge John Pickering. n. p., n. d. — p. Ath.

HOUSE DOCUMENTS.

8 C: 1 S. October 25, 1803.

Annual report of Secretary of Treasury Gallatin. Fol. n. p., n. d. 8 p., 8 bdsds. W. D. L.

8 C: 1 S. October 28, 1803.

Report of Secretary of Treasury Gallatin on survey of Nantucket Harbor. A. S. P., Com. and Nav., 1: 533–534. n. p., n. d. 4, 4, 5, and 5 p. Ath. W. D. L.

8 C: 1 S. November 2, 1803.

Memorial of Zachariah Cox. n. p., n. d. — p. W. D. L.?

8 C: 1 S. November 22, 1803.

Petition of inhabitants of District of Columbia relative to the Columbian Library Company. n. p., n. d. — p. Ath.

8 C: 1 S. January 16, 1804.

Message from the President, announcing the acquisition of Louisiana and organization of a temporary government. Ath.

8 C: 1 S. January 24, 1804.

Report of Secretary of Treasury Gallatin, on Revolutionary claims. A. S. P., Claims, 290–292. n. p., n. d. — p. W. D. L.

8 C: 1 S. January 30, 1804.

Documents relative to the conduct of Samuel Chase, associate justice of the United States, and of Richard Peter, district judge of Pennsylvania. n. p., n. d. — p. Ath.

8 C: 1 S. February 15, 1804.
Report of Secretary of Treasury Gallatin, on tonnage, December, 1802, and of American fisheries. A. S. P., Com. and Nav., 1: 546–549. n. p., n. d. 7 p. Ath.

8 C: 1 S. March 22, 1804.
Report of Postmaster-General Granger, on postage for past three years in each State. n. p., n. d. — p. Ath.

8 C: 1 S. March 24, 1804.
Report of Secretary of Treasury Gallatin, on allowances to district attorneys. A. S. P., Misc., 1: 392–395. n. p., n. d. — p. Ath.

HOUSE REPORTS.

8 C: 1 S. December 2, 1803.
By Mr. Nicholson, on change in land laws to adjust Mississippi claims. A. S. P., P. L., 1: 162. n. p., n. d. 4 p. Ath.

8 C: 1 S. December 12, 1803.
By Mr. John Cotton Smith, on petition of David Valenzin regarding the conduct of officers of the Navy. A. S. P., Claims, 288–289, 292–296. Ath.

8 C: 1 S. March 10, 1804.
By Mr. ———, on petition of Moses Young? n. p., n. d. — p. Ath.

8 C: 1 S. March 12, 1804.
By Mr. Huger, on memorials of New York merchants and of shipowners of Hudson. n. p., n. d. — p. Ath.

SENATE DOCUMENTS.

8 C: 2 S. November 8, 1804.
Annual message from the President. n. p., n. d. — p. Ath.

8 C: 2 S. January 26, 1805.
Message from the President, transmitting report on the Mint. A. S. P., Fin., 2: 118–120. n. p., n. d. — p. Ath.

8 C: 2 S. February 1, 1805.
Message from the President, relative to American privateers. A. S. P., For. R., 2: 606–608. n. p., n. d. — p. Ath.

8 C: 2 S. February 26, 1805.
Report of Secretary of Treasury Gallatin, on emoluments of officers of customs, 1804. n. p., n. d. — p. Ath.

HOUSE DOCUMENTS.

8 C: 2 S. November 8, 1804.
Resolution requesting the President to present a sword to Capt. Stephen Decatur. n. p., n. d. — p. Ath.

8 C: 2 S. November 21, 1804.
Resolution for registration of all land titles in territory ceded to United States by the French Republic under treaty of April 30, 1803. n. p., n. d. p. Ath. W. D. L.

8 C: 2 S. November 21, 1804.

Report of Secretary of Treasury Gallatin, on revenue and indebtedness. A. S. P., Fin., 2: 107–113. Washington, William Duane & Son, 1804. Fol. 10 p, 2 bdsds. Ath. W. D. L.

8 C: 2 S. November 29, 1804.

Resolution relative to recession of the Territory of Columbia. n. p., n. d. — p. Ath.

8 C: 2 S. January 17, 1805.

Memorial of French citizens of Wayne County, Ind., regarding disposal of public lands. A. S. P., P. L., 1: 214–215. n. p., n. d. — p. Ath.

8 C: 2 S. January 23, 1805.

Report of Secretary of State Madison, regarding impressed American seamen. n. p., n. d. — p. Ath.

8 C: 2 S. February 5, 1805.

Report of commissioners of the sinking fund. Fol. Washington, William Duane & Son, 1805. 16 p. Ath. W. D. L.

8 C: 2 S. February 5, 1805.

Message from the President, relative to the Danish vessel *Hendrick*. n. p., n. d. — p. W. D. L.?

8 C: 2 S. February 26, 1805.

Report, February 25, of Secretary of Treasury Gallatin, on emoluments of officers of customs, 1804. Washington, William Duane & Son, 1805. Fol. (3) p, 1 bdsd. Ath. W. D. L.

HOUSE REPORTS.

8 C: 2 S. December 4, 1804.

By Mr. Clark, on Georgia land titles. A. S. P., P. L., 1: 211. n. p., n. d. — p. Ath.

8 C: 2 S. February 6, 1805.

By Mr. John Randolph, on the impeachment of Associate Justice Samuel Chase. n. p., n. d. — p. Ath.

8 C: 2 S. February 9, 1805.

By Mr. Lattimore, on extension of right of suffrage in Mississippi Territory. A. S. P., Misc., 1: 422–423. n. p., n. d. — p. Ath.

8 C: 2 S. March 1, 1805.

By Mr. John Randolph, motion, relative to judges. Ath.

8 C: 2 S. March 1, 1805.

By Mr. Nicholson, motion, on the recalling of Senators by their respective States. Ath.

SENATE DOCUMENTS.

9 C: 1 S. December 2, 1805.

Message, January 31, 1805, from the President, transmitting, under S. Res. of January 28, report of Secretary of State Madison, on conduct of crews of privateers and armed merchant vessels. n. p., n. d. 12 p. Ath. W. D. L.

9 C: 1 S. December 6, 1805.

Report, December 5, of Secretary of Navy Smith, asking additional appropriations for the Navy. A. S. P., Nav. Af., 1: 140. n. p., n. d. 6 p. Ath. W. D. L.

9 C: 1 S. December 10, 1805.

Annual report, December 9, of Secretary of Treasury Gallatin, on revenues and indebtedness, and submitting estimates for the coming year. A. S. P., Fin., 2: 142–160. House Doc.

9 C: 1 S. December 11, 1805.

Treaty between the United States and the Bashaw of Tripoli. n. p., n. d. — p. Ath.

9 C: 1 S. December 28, 1805.

Report of Secretary of Treasury Gallatin, on the purchase of public lands. Washington, A. & G. Way, 1806. 8 p. W. D. L.

9 C: 1 S. January 13, 1806.

Message from the President, on the claim of Hamet Caramelli. A. S. P., For. R., 2: 695–725. Ath.

9 C: 1 S. January 28, 1806.

Annual estimates and report of Secretary of Navy Smith. n. p., n. d. — p. W. D. L.

9 C: 1 S. February 4, 1806.

Message from the President, on the claim of Hamet Caramelli. Ath.

9 C: 1 S. March 11, 1806.

Motion that terms of bill on grants of land south of Tennessee be printed for the Senate. Ath.

9 C: 1 S. March 20, 1806.

Message from the President, on incursions of Spanish troops in Louisiana. A. S. P., For. R., 2: 798–799. Ath. W. D. L.

9 C: 1 S. April 7, 1806.

Resolution, January 26, 1806, of legislature of Maryland against further importation of slaves. n. p., n. d. 2 p. W. D. L.

9 C: 1 S. April 10, 1806.

Act rearranging rules and Articles of War in force under act of Congress approved in 1799. Washington, Duane & Son. 180 p. W. D. L.

9 C: 1 S. April 10, 1806.

Letter from Secretary of Treasury Gallatin. n. p., n. d. — p. Ath.

SENATE REPORT.

9 C: 1 S. February 26, 1806.

By Mr. Samuel L. Mitchill, on using unexpended Mediterranean fund for building ships for the Navy. A. S. P., Nav. Af., 1: 150. Washington, A. & G. Way, 1806. 2 p. W. L. D.

HOUSE DOCUMENTS.

9 C: 1 S. December 3, 1805.

Annual message from the President. A. & G. Way, 1805. 11 p. W. D. L.

9 C: 1 S. December 6, 1805.
Message from the President, on affairs with Spain. Jo. H., Sup. 1. Ath.

9 C: 1 S. December 10, 1805.
Documents relating to the annual message of the President. Washington, A. & G. Way, 1805. 82 p., 1 bdsd. W. D. L.

9 C: 1 S. December 10, 1805.
Message from the President, supplementary to message of December 6, communicating documents respecting Louisiana. Washington, A. & G. Way, 1805. 29 p.

9 C: 1 S. December 10, 1805.
Report (February, 1805) of commissioners on refugees from Canada. 4 p. W. D. L.

9 C: 1 S. December 11, 1805.
Letter from Secretary of Treasury Gallatin to Mr. Randolph, on claims against France assumed by the United States under the convention of April 30, 1803. Washington, A. & G. Way, 1805. 3 p. W. D. L. Probably part of Mr. Randolph's report of that date on the same subject.

9 C: 1 S. December 23, 1805.
Message from the President, on land titles in Michigan Territory. Washington, A. & G. Way, 1805. 16 p. W. D. L. A. S. P., Pub. L., 1: 247–249.

9 C: 1 S. December 27, 1805.
Message from the President, communicating report of Surveyor Latrobe on the public buildings at Washington. Washington, A. & G. Way, 1805. 12 p. W. D. L.

9 C: 1 S. December 28, 1805.
Report of Secretary of Treasury Gallatin, relative to payment for public lands in evidences of public debt. A. S. P., Fin., 2: 162–163. Washington, A. &. G. Way, 1805. 8 p. W. D. L.

9 C: 1 S. December 31, 1805.
Message from the President, transmitting, under H. Res., December 23, report of Secretary of Treasury Gallatin, regarding States indebted to the United States. A. S. P., Fin., 2: 163–164. Washington, A. & G. Way, 1805. 8 p. W. D. L.

9 C: 1 S. December 31, 1805.
Report of Secretary of Navy Smith, on naval pension fund. A. S. P., Nav. Af., 1: 143–147. Fol. Washington, A. & G. Way, 1806. (2), 2 bdsds, 9–14 p. Ath. W. D. L.

9 C: 1 S. January 13, 1806.
Message from the President, on the Hamet Caramelli claim. Washington, A. & G. Way, 1806. 52, 4 p. W. D. L. Ath.

9 C: 1 S. January 16, 1806.
Memorial of merchants of Philadelphia. — p. W. D. L.

9 C: 1 S. January 17, 1806.
Message from the President, on British aggressions. W. D. L. Washington, A. & G. Way, 1806. 120 p.

9 C: 1 S. January 28, 1806.
Report of Secretary of Navy Smith, under H. Res. of January 24, on the annual expenditures for the Navy. A. S. P., Nav. Af., 1:147–148. Washington, A. & G. Way, 1806. (3) p., 1 bdsd. W. D. L.

9 C: 1 S. January 29, 1806.
Message from the President, transmitting memorial from merchants of Baltimore. Washington, A. & G. Way, 1806. 34 p. W. D. L.

9 C: 1 S. February 3, 1806.
Memorial of merchants of Boston. Washington, A. & G. Way, 1806. 17 p. W. D. L.

9 C: 1 S. February 3, 1806.
Message from the President, announcing the cession of forts in South Carolina. Washington, A. & G. Way, 1806. 8 p. W. D. L.

9 C: 1 S. February 5, 1806.
Annual report of commissioners of the sinking fund. Fol. Washington, A. & G. Way, 1806. 29 p. 1 bdsd. W. D. L.

9 C: 1 S. February 17, 1806.
Memorial of Chamber of Commerce of New Haven, on British spoliations of American commerce and impressment of American seamen. 4 p. Ath.

9 C: 1 S. February 18, 1806.
Message from the President, under H. Res., January 24, relative to fortifications on the Atlantic coast. A. S. P., Mil. Af., 1:192–197. Washington, A. & G. Way, 1806. 8 p. 5 bdsds. W. D. L.

9 C: 1 S. February 19, 1806.
Message from the President, on explorations in the West. Washington, A. & G. Way, 1806. 29 p. W. D. L.

9 C: 1 S. February 26, 1806.
Report of Secretary of Treasury Gallatin, on petition of Abijah Barnum and others. Washington, A. & G. Way, 1806. (3) p. Ath. W. D. L.

9 C: 1 S. March 5, 1806.
Report of Secretary of Navy Smith, regarding the Danish consul at Tripoli. A. S. P., Nav. Af., 1:150–151. Washington, A. & G. Way, 1806. 4 p. Ath. W. D. L.

9 C: 1 S. March 20, 1806.
Message, March 19, from the President, on the surrender of Nachitoches. Washington, A. & G. Way, 1806. 8 p. Ath. W. D. L.

9 C: 1 S. March 21, 1806.
Memorial of citizens of New York, asking that permanent defenses be provided for that city against incursions of foreign fleets. Washington, A. & G. Way, 1806. 6 p. Ath. W. D. L.

9 C: 1 S. March 22, 1806.
Letter from Postmaster-General, on petition of inhabitants of Boston, on mail road between Boston and Hartford. Washington, A. & G. Way, 1806. — p. Ath.

9 C: 1 S. April 2, 1806.

Report of Secretary of Treasury Gallatin, on the redemption and funding of the public debt. Washington, A. & G. Way, 1806. 12 p., 1 bdsd. Ath. W. D. L.

9 C: 1 S. April 5, 1806.

Letter from Secretary of Treasury Gallatin, on land grants and claims in the Vincennes and Kaskaskia districts. A. S. P., P. L., 1: 285–288. Washington, A. & G. Way, 1806. 4 p. Ath. W. D. L.

9 C: 1 S. April 11, 1806.

Message from the President, giving returns of militia. A. S. P., Mil. Af., 1: 199–203. Washington, A. & G. Way, 1806. (3) p. 4 bsds. W. D. L.

9 C: 1 S. April 11, 1806.

Letter from Secretary of Navy Smith, submitting estimates for repairs, rent, and contingent expenses for 1806. A. S. P., Nav. Af., 1: 151–152. Washington, A. & G. Way, 1806. 4 p. Ath. W. D. L.

9 C: 1 S. April 14, 1806.

Message from the President, on relations with Tunis. Washington, A. & G. Way, 1806. 4 p. W. D. L. A. S. P., For. Rel., 2: 799.

9 C: 1 S. April 15, 1806.

Message from the President, on treaty with the Pinkashaws. Washington, A. & G. Way, 1806. 7 p. W. D. L.

HOUSE REPORTS.

9 C: 1 S. December 6, 1805.

By Mr. Gregg, motion, to repeal certain portions of laws regarding lands south of Tennessee. n. p., n. d. (1) p. W. D. L.

9 C: 1 S. December 16, 1805.

By Mr. Crowninshield, on bill for relief of Theodorick Armistead. A. S. P., Com. and Nav., 1: 598–599. Washington, A. & G. Way, 1805. 4 p. Ath. W. D. L.

9 C: 1 S. December 16, 1805.

By Mr. Crowninshield, on petitions of Edward Toppan and others asking drawbacks on merchandise shipped to New Orleans. Washington, A. & G. Way, 1805. 4 p. W. D. L.

9 C: 1 S. December 17, 1805.

By Mr. Tenney, in part, on the unfinished business of Congress. Washington, A. & G. Way, 1805. 8 p. W. D. L.

9 C: 1 S. December 17, 1805.

By Mr. Dawson, on expenditures by States for fortifications of their harbors. Washington, A. & G. Way, 1805. — p. W. D. L.?

9 C: 1 S. February 7, 1806.

By Mr. John Randolph, motion, that judges be removed by the President on joint address of both Houses of Congress. Ath.

9 C: 1 S. February 12, 1806.

By Mr. Sloan, motion, on British impressment of American seamen. Ath.

9 C: 1 S. February 14, 1806.

By Mr. Garnett, on memorials of officials and inhabitants of Indiana. A. S. P., Misc., 1: 450–451. Washington, A. & G. Way, 1806. 6 p. W. D. L.

9 C: 1 S. February 19, 1806.

By Mr. Clay, on petition of W. Levis and H. Maxwell regarding the purchase of journals of Congress. Washington, A. & G. Way, 1806. 4 p. Ath. W. D. L. A. S. P., Misc., 1: 452.

9 C: 1 S. February 24, 1806.

By Mr. John Randolph, motion, relating to the holding of offices under the United States. Ath.

9 C: 1 S. February 27, 1806.

By Mr. Crowninshield, on surveys of the coast of North Carolina. A. S. P., Com. and Nav., 1: 639. Washington, A. & G. Way, 1806. 6 p. Ath. W. D. L.

9 C: 1 S. March 4, 1806.

By Mr. Gregg, on claims to public lands at Natchez. A. S. P., P. L., 1: 259–261. Washington, A. & G. Way, 1806. 11 p. Ath. W. D. L.

9 C: 1 S. March 11, 1806.

By Mr. John Cotton Smith, on petition of Peter A. Guestier, for remission of duties. A. S. P., Fin., 2: 186. Washington, A. & G. Way, 1806. 4 p. Ath. W. D. L.

9 C: 1 S. March 26, 1806.

By Mr. Randolph, on deferring payment for public lands in Ohio and Indiana. A. S. P., P. L., 1: 284. Washington, A. & G. Way, 1806. (3) p. Ath. W. D. L.

9 C: 1 S. April 5, 1806.

By Mr. Gregg, on repeal of laws for the sale of public lands on credit. A. S. P., P. L., 1: 286–287. Washington, A. & G. Way, 1806. 8 p, 1 bdsd. Ath. W. D. L.

9 C: 1 S. April 17, 1806.

By Mr. Dana, motion, for protecting American seamen and ships. Washington, A. & G. Way, 1806. (3) p. W. D. L.

9 C: 1 S. April 18, 1806.

By Mr. Dawson, on naval peace establishment. Washington, A. & G. Way, 1806. 11 p. W. D. L.

SENATE DOCUMENTS.

9 C: 2 S. December 30, 1806.

Documents accompanying bill making appropriations for the support of the Government during 1807. n. p., n. d. —p. Ath.

9 C: 2 S. January 5, 1807.

Accounts of the Treasurer of the United States. Ath.

9 C: 2 S. January 6, 1807.

Petition of inhabitants of Territory of Columbia, relative to construction of bridge from Washington City across the Potomac. Washington, Duane & Son, 1807. 49 p. W. D. L.

9 C: 2 S. January 12, 1807.

Estimate of Secretary of War Dearborn for the military establishment. Washington, William Duane & Son, 1807. 4 p., 1 bdsd. W. D. L.

9 C: 2 S. January 20, 1807.

Documents relative to bridging the Potomac. n. p., n. d. 8 p. W. D. L.

9 C: 2 S. January 22, 1807.

Letter of Theodore Burr, on bridging the Potomac. 4 p. Ath. W. D. L.

9 C: 2 S. January 21, 1807.

Resolutions of the legislative council of Indiana, relative to the suspension of the proviso abolishing slavery in the Territory. A. S. P., Misc., 1: 467. Ath.

9 C: 2 S. January 20, 1807.

Letter from Theodore Burr, relative to bridging the Potomac. Ath.

9 C: 2 S. January 22, 1807.

Memorial of inhabitants of Alexandria, for a turnpike road between Washington City and that town. Washington, William Duane & Son, 1807. 4 p. Ath. W. D. L.

9 C: 2 S. January 28, 1807.

Message from the President, on the movements of Aaron Burr. W. D. L.?

9 C: 2 S. January 29, 1807.

Message, 27, from the President, transmitting report on the Mint. A. S. P., Fin., 2: 224–225. Ath.

9 C: 2 S. February 19, 1807.

Message from the President, on the arrest of Aaron Burr. Washington, William Duane & Son, 1807. 11 p. W. D. L.

SENATE REPORTS.

9 C: 2 S. January 2, 1807.

By Mr. Clay, motion, to extend circuit courts to Kentucky, Ohio, and Tennessee. Ath.

9 C: 2 S. January 12, 1807.

By Mr. Clay, motion, on opening the canal at the rapids of the Ohio. Ath.

9 C: 2 S. January 30, 1807.

By Mr. Adams, resolution, on standing rules of the Senate. n. p., n. d. (1) p. W. D. L.

9 C: 2 S. February 17, 1807.

By Mr. Bradley, on prohibiting importation of slaves after 1807. n. p., n. d. 4 p. W. D. L.

9 C: 2 S. February 17, 1807.

By Mr. Bradley, on perfecting titles to Tennessee land grants. A. S. P., P. L., 1: 584–585. Washington, William Duane & Son, 1807. 4 p. W. D. L.

9 C: 2 S. February 24, 1807.

By Mr. ———, on memorial of merchants of Philadelphia. Ath.

9 C: 2 S. March 2, 1807.

By Mr. Turner, motion, on twelfth rule for conducting the business of the Senate. Ath.

HOUSE DOCUMENTS.

9 C: 2 S. December 2, 1806.
Annual message from the President. W. D. L.

9 C: 2 S. December 3, 1806.
Message from the President, recommending the suspension of the embargo. Washington, A. & G. Way, 1806. (3) p. W. D. L. Ath.

9 C: 2 S. December 5, 1806.
Annual report and estimates of Secretary of Treasury Gallatin. Fol. Washington, A. & G. Way, 1806. 20 p., 5 bdsds. Ath. W. D. L.

9 C: 2 S. December 17, 1806.
Report of commission on Canadian refugees, on claims of Chloe Shannon and James Ruland. Washington, A. & G. Way, 1806. (4) p. W. D. L.

9 C: 2 S. December 23, 1806.
Letter from Secretary of Treasury Gallatin, on deposits of public money in banks for the past three years. Fol. Washington, A. & G. Way, 1806. 7 p. Ath. W. D. L.

9 C: 2 S. December 23, 1806.
Message from the President, under H. Res. of December 15, on expenditures for public buildings in Washington. Washington, A. & G. Way, 1806. 15 p. Ath. W. D. L.

9 C: 2 S. December 24, 1806.
Report of Secretary of Treasury Gallatin, on importations for past year, to September, 1805. Fol. Washington, A. & G. Way, 1806. Fol. 3 p., 4 bdsds. Ath. W. D. L.

9 C: 2 S. December 31, 1806.
Report of Secretary of Treasury Gallatin, on quotas and arrears of direct tax. A. S. P., Fin., 2: 219–220. Washington, A. & G. Way, 1807. 4 p., 1 bdsd. Ath. W. D. L.

9 C: 2 S. January 5, 1807.
Message from the President, transmitting, under H. Res. of December 26, report of Secretary of Navy Smith on frigates. Washington, A. & G. Way, 1807. 7 p. Ath. W. D. L.

9 C: 2 S. January 7, 1807.
Report of Secretary of Treasury Gallatin, on salt tax and Mediterranean fund. A. S. P., Fin., 2: 221–222. Washington, A. & G. Way, 1807. 4 p., 1 bdsd. W. D. L.

9 C: 2 S. January 8, 1807.
Report of Secretary of Treasury Gallatin, on duties and drawbacks for 1803, 1804, and 1805. A. S. P., Fin., 2: 222–223. Washington, A. & G. Way, 1807. (3) p., 1 bdsd. Ath. W. D. L.

9 C: 2 S. January 12, 1807.
Report of Secretary of Navy Smith, on naval pension fund. A. S. P., Nav. Af., 1: 155–161. Fol. Washington, A. & G. Way, 1807. 9 p., 3 bdsds. W. D. L. Ath.

9 C: 2 S. January 13, 1807.
Report, January 12, of Secretary of Treasury Gallatin, on district tonnage, 1805. A. S. P., Com. and Nav., 1: 687–690. Fol. Washington, A. & G. Way, 1807. 7 p., 1 bdsd. Ath. W. D. L.

9 C: 2 S. January 14, 1807.
Report of Secretary of War Dearborn, on invalid pensioners. Washington, A. & G. Way, 1807. 4 p. Ath. W. D. L.

9 C: 2 S. January 14, 1807.
Report of Secretary of State Madison, on pay of clerks in his office. Washington, A. & G. Way, 1807. 4 p. Ath. W. D. L.

9 C: 2 S. January 14, 1807.
Additional documents on the subject of bridges. Printed as Part II of H. document, January 12. n. p., n. d. 23 p. Ath. W. D. L.

9 C: 2 S. January 15, 1807.
Report of Secretary of War Dearborn, on defense of the Mississippi. A. S. P., Mil. Af., 1: 206–207. Washington, A. & G. Way, 1807. 7 p. W. D. L.

9 C: 2 S. January 15, 1807.
Report of Secretary of War Dearborn, on pay of clerks in his office. Washington, A. & G. Way, 1807. 4 p. Ath. W. D. L.

9 C: 2 S. January 19, 1807.
Letter from Postmaster-General Granger, on progress of Post-Office Department from 1793 to 1807. A. S. P., P. O., 40–41. Washington, A. & G. Way, 1807. 4 p., 1 bdsd. Ath. W. D. L.

9 C: 2 S. January 20, 1807.
Letter of Theodore Burr on bridging the Potomac. n. p., n. d. 2 p. W. D. L.?

9 C: 2 S. January 21, 1807.
Letter from William Henry Harrison, transmitting resolution of Indiana legislature relative to article 6, compact of July 13, 1787. Washington, A. & G. Way, 1807. 7 p. Ath. W. D. L.

9 C: 2 S. January 22, 1807.
Another letter of Theodore Burr on bridging the Potomac. b. p., n. d. 4 p. W. D. L.?

9 C: 2 S. January 22, 1807.
Report of Postmaster-General Granger, on unproductive post-offices. Washington, A. & G. Way, 1807. (3) p., 3 bdsds. Ath. W. D. L.

9 C: 2 S. January 22, 1807.
Report of Secretary of Treasury Gallatin, on pay of clerks in his office. Washington, A. & G. Way, 1807. 4 p., 1 bdsd. Ath. W. D. L.

9 C: 2 S. January 23, 1807.
Letter from Secretary of War Dearbon, on gratuities to officers and men of the Lewis and Clark exploring expedition. A. S. P., Mil. Af., 1: 207–209. Washington, A. & G. Way, 1807. 8 p., 1 bdsd. W. D. L.

9 C: 2 S. January 27, 1807.

Letter from Secretary of Treasury Gallatin, transmitting a report on survey of coast of North Carolina. A. S. P., Com. and Nav., 1: 690–692. Washington, A. & G. Way, 1807. (4) p. Ath. W. D. L.

9 C: 2 S. January 28, 1807.

Report of Secretary of Treasury Gallatin, under H. Res. of January 22, on expenditures for public prosecutions in the Connecticut district during 1806. Washington, A. & G. Way, 1807. 1–3, 1 bdsd., 5–7, 1 bdsd, 9–14 p. Ath. W. D. L.

9 C: 2 S. January 28, 1807.

Message, January 27, from the President on contingent fund. Washington, A. & G. Way, 1807. (3) p., 1 bdsd. W. D. L. Copy, incomplete.

9 C: 2 S. January 31, 1807.

Message from the President, on the Cumberland road. Washington, A. & G. Way, 1807. 16 p. Ath. W. D. L.

9 C: 2 S. February 4, 1807.

Report of Secretary of Navy Smith, on pay of clerks in his office. Washington, A. & G. Way, 1807. 4 p. W. D. L.

9 C: 2 S. February 4, 1807.

By Secretary of Treasury Gallatin, on compensation to collectors in cases of seizures. A. S. P., Fin., 2: 226. Washington, A. & G. Way, 1807. 4 p. W. D. L.

9 C: 2 S. February 5, 1807.

Annual report of the commissioners of the sinking fund. Fol. Washington, A. & G. Way, 1807. 28 p. Ath. W. D. L.

9 C: 2 S. February 10, 1807.

Message from the President, on gunboats. A. S. P. Nav. Af., 1: 163–164. Washington, A. & G. Way, 1807. 11 p. W. D. L.

9 C: 2 S. February 18, 1807.

Memorial from Hamet Caramelli, ex-Bashaw of Tripoli. A. S. P., For. R., 2: 27–28. Washington, A. & G. Way, 1807. 36 p. W. D. L.

9 C: 2 S. February 18, 1807.

Documents relating to the Eaton claim. Washington, A. &. G Way. 1807. 36 p. W. D. L. Does this belong to previous document?

9 C: 2 S. February 19, 1807.

Letter from Secretary of War Dearborn, on invalid pensioners. Washington, A. & G. Way, 1807. 4 p. W. D. L.

9 C: 2 S. February 20, 1807.

Petition for the relief of Isaac Briggs. Washington, A. & G. Way, 1807. 4 p. W. D. L.

9 C: 2 S. February 21, 1807.

Letter from Secretary of War Dearborn, under H. Res. of January 12, on petition of Richard Bland. Washington, A. & G. Way, 1807. 4 p. W. D. L.

9 C: 2 S. February 24, 1807.

Letter from Secretary of Treasury Gallatin, regarding the imprisonment of Gilbert Drake. Washington, A. & G. Way, 1807. (4) p. W. D. L.

9 C: 2 S. February 24, 1807.
Documents relating to the Bank of Detroit. Washington, A. & G. Way, 1807. 2 p. W. D. L.?

9 C: 2 S. February 25, 1807.
Table giving pay of clerks in offices of Comptroller, Auditor, etc. W. D. L.?

9 C: 2 S. February 26, 1807.
Letter from Secretary of Treasury Gallatin, on exports for the past year. A. S. P., Com. and Nav., 1: 693–698. Fol. Washington, A. & G. Way, 1807. 15 p. Ath. W. D. L.

9 C: 2 S. February 28, 1807.
Letter from Secretary of Treasury Gallatin, on emoluments of customs officers for 1806. Fol. Washington, A. & G. Way, 1807. 4 p.? 2 bdsds. Ath. W. D. L.?

9 C: 2 S. February 28, 1807.
Letter from Secretary of Treasury Gallatin, transmitting statement of the public debt in 1801, 1802, 1803, 1804, 1805, and 1806. A. S. P. Fin., 2: 237–246. Fol. Washington, A. & G. Way, 1807. 6 p.? 2 bdsds. Ath. W. D. L.

HOUSE REPORTS.

9 C: 2 S. December 11, 1806.
By Mr. Clopton, resolution, for constitutional amendment restricting the law-making powers of Congress. Washington, A. & G. Way, 1806. (3) p. Ath. W. D. L.

9 C: 2 S. December 17, 1806.
By Mr. Thomas on relief of Canadian refugees, Chloe Shannon and James Ruland. Washington, A. & G. Way, 1806. 4 p. W. D. L.

9 C: 2 S. December 19, 1806.
By Mr. Crowninshield, resolution, on petition of Charles Gart and others, favoring reduction of duties on sugar. Washington, A. & G. Way, 1806. (3) p. W. D. L.

9 C: 2 S. December 30, 1806.
By Mr. Dana, resolution, for encouragement of seamen. Washington, A. & G. Way, 1807. (3) p. W. D. L.

9 C: 2 S. January 2, 1807.
By Mr. Dana, motion, on prosecutions for libel. Washington, A. & G. Way, 1807. (3) p. W. D. L.

9 C: 2 S. January 12, 1807.
By Mr. Early, on additional protection for manufacturers of glass. Washington, A. & G. Way, 1807. (3) p. Ath. W. D. L.

9 C: 2 S. January 15, 1807.
By Mr. John Randolph, on the President's message relative to the defense of the mouth of the Mississippi and of New Orleans. A. S. P., Nav. Af., 1: 162. Washington, A. & G. Way, 1807. 7 p. W. D. L.?

9 C: 2 S. January 19, 1807.
By Mr. Rhea, motion, relative to survey of lands in the Territory of Louisiana. Ath.

9 C: 2 S. January 21, 1807.
By Mr. Early, on petition of merchants of Newburyport. Washington, A. & G. Way, 1807. 4 p. W. D. L.

9 C: 2 S. January 23, 1807.
By Mr. W. Alston, jr., on extra compensation for the members of the Lewis and Clark exploring expedition. Washington, A. & G. Way, 1807. 8 p., 1 bdsd. W. D. L.

9 C: 2 S. February 9, 1807.
By Mr. Holmes, on petition of Richard Mellen. Ath.

9 C: 2 S. February 10, 1807.
By Mr. Early, motion relative to publication of surveys of coast of North Carolina. Washington, A. & G. Way, 1807. 3 p. Ath.

9 C: 2 S. February 16, 1807.
By Mr. Newton, motion (agreed to) on appointing special committee to consider additions to the naval force. Washington, A. & G. Way, 1807. 3 p. W. D. L.

9 C: 2 S. February 18, 1807.
By Mr. Holmes, on settlement of accounts of William Eaton. Washington, A. & G. Way, 1807. 16 p. W. D. L.

9 C: 2 S. February 19, 1807.
By Mr. Joseph Clay, motion on standing rules and orders of the House. Ath.

9 C: 2 S. February 20, 1807.
By Mr. Holmes, on the petition of Isaac Briggs for pay for surveying road from Washington to New Orleans. Washington, A. & G. Way, 1807. 4 p. W. D. L.

9 C: 2 S. February 24, 1807.
By Mr. Quincy, on disapproving legislative act of Northwest Territory with reference to Detroit bank. Washington, A. & G. Way, 1807. 6 p. W. D. L.

9 C: 2 S. February 25, 1807.
By Mr. John Randolph, on bill to fix pay of clerks and authorize the laying out of public roads. Washington, A. & G. Way, 1807. 3 p. W. D. L.

SENATE DOCUMENTS.

10 C: 2 S. October 27, 1807.
Annual Message from the President. n. p. n. d. — p. Ath.

10 C: 1 S. December 16, 1807.
Articles of agreement and cession, April 24, 1802, between the commissioners of the United States and of Georgia. Washington, R. C. Weightman, 1807. 7 p. Ath. W. D. L.

10 C: 1 S. December 30, 1807.

Message from the President transmitting letters of General Hull regarding the conduct and allegiance of the Indians near Detroit. n. p. n. d. — p. Ath.

10 C: 1 S. December 31, 1807.

By Mr. Adams, on the conduct of Senator John Smith, alleged associate of Aaron Burr. Washington, R. C. Weightman, 1807. 15, 135 p. Ath. W. D. L. A. S. P., Misc., 1: 701–703.

10 C: 1 S. January 8, 1808.

Message from the President transmitting report of the Director of the Mint. n. p. n. d. — p. Ath. A. S. P., Fin., 2: 263–264.

10 C: 1 S. January 8, 1808.

Message of the President on contingent expenses. Ath.

10 C: 1 S. January 19, 1808.

Report of Secretary of Treasury Gallatin on assays of foreign coins. A. S. P., Fin., 2, 265–266. Ath.

10 C: 1 S. January 25, 1808.

Report of Secretary of War Dearborn on clerical force of War Department. Ath.

10 C: 1 S. March 7, 1808.

Message of the President in relation to the title of the New Orleans batture. Ath.

10 C: 1 S. April 12, 1808.

Report of Secretary of Treasury Gallatin on public roads and canals. Washington, R. C. Weightman, 1808. 123 p. Ath.

SENATE REPORTS.

10 C: 1 S. October 28, 1807.

By Mr. Adams, motion, on President's message relating to outrages by British armed vessels. Ath.

10 C: 1 S. December 4, 1807.

By Mr. Gilman, motion, on employing an additional clerk for the Senate. Ath.

10 C: 1 S. January 13, 1808.

By Mr. Tiffin, motion, on raising a loan for the maintenance of the militia of Ohio. Ath.

10 C: 1 S. January 14, 1808.

By Mr. J. Morrow, motion, on a loan for maintaining the militia of Ohio. Ath.

10 C: 1 S. January 16, 1808.

By Mr. Giles, motion, on defects in penal laws of the United States. Ath.

10 C: 1 S. February 16, 1808.

By Mr. Giles, motion, on the proper authority for habeas corpus. Ath.

10 C: 1 S. February 23, 1808.

By Mr. Maclay, motion, on amending the Constitution of the United States. Ath.

10 C: 1 S. February 23, 1808.

By Mr. Mitchell, motion, on the support of the Library. Ath.

10 C: 1 S. March 17, 1808.

By Mr. Bradley, motion, on business necessary to be done. Ath.

10 C: 1 S. April 12, 1808.

By Mr. Adams, on roads and canals, containing Secretary Gallatin's report. (See S. Doc., same date.) 1,200 copies printed. Ath.

10 C: 1 S. April 19, 1808.

By Mr. White, motion, on manning and equipping frigates of the United States. Ath.

10 C: 1 S. April 22, 1808.

By Mr. Reed, motion, on extra pay to Senate employees. Ath.

HOUSE DOCUMENTS.

10 C: 1 S. October 28, 1807.

Report by B. H. Latrobe on public buildings in Washington. A. S. P., Misc., 1: 482–483. Washington, A. & G. Way, 1807. 7 p. Ath. W. D. L.

10 C: 1 S. December 23, 1807.

Letter from Secretary of Treasury Gallatin regarding appropriations. Washington, A. & G. Way, 1807. — p. Ath.

10 C: 1 S. January 7, 1808.

Report of Postmaster-General Granger, on the clerical force of his office during 1807. W. D. L.

10 C: 1 S. January 18, 1808.

Accounts of United States Treasurer T. T. Tucker to September 30, 1807. Washington, A. & G. Way, 1808. 237 p. Ath. W. D. L.

10 C: 1 S. February 25, 1808.

Report of Secretary of War Dearborn, on petition of Samuel French of Virginia. Ath.

10 C: 1 S. March 17, 1808.

Message from the President, on relations with France and Spain. A. S. P., For. R., 3: 80. Washington, A. & G. Way, 1808. 10 p.

10 C: 1 S. March 25, 1808.

Message from the President on procuring sites for fortifications. A. S. P., Mil. Af., 1: 235. Washington, A. & G. Way, 1808. 4 p.

10 C: 1 S. April 2, 1808.

Message of the President recommending the publication of letters from M. Champagny to General Armstrong and Mr. Erskine to Secretary of State Madison. Washington, A. & G. Way, 1808. 4 p. W. D. L.

10 C: 1 S. April 5, 1808.

Report of Secretary of Treasury Gallatin, on claims under the Louisiana convention. A. S. P., Fin., 2: 283–286. Washington, A. & G. Way, 1808. 20 p., Ath.

10 C: 1 S. April 18, 1808.

Report of Secretary of Treasury Gallatin, on the case of the schooner *Sally*. A. S. P., Com. & Nav., 1: 726–727. Washington, A. & G. Way, 1808. 8 p. Ath. W. D. L.

10 C: 1 S. April 25, 1808.
Documents relative to the case of General Wilkinson presented by Delegate D. Clark. A. S. P., Misc., 1: 936–939. W. D. L.

HOUSE REPORTS.

10 C: 1 S. January 9, 1808.
By Mr. Dana, motion, on seamen sailing on registered vessels. Ath.

10 C: 1 S. January 11, 1808.
By Mr. Adams, motion, on the removal of the embargo. Ath.

10 C: 1 S. January 30, 1808.
By Mr. G. W. Campbell, motion, on amending the Constitution of the United States. Ath.

10 C: 1 S. February 8, 1808.
By Mr. Burwell, motion, on procuring stands of arms. Ath.

10 C: 1 S. February 28, 1808.
By Mr. Smilie, motion, on maintaining the decorum of the House. Ath.

10 C: 1 S. February 29, 1808.
By Mr. Clopton, motion, on amending the Constitution of the United States. Ath.

10 C: 1 S. March 21, 1808.
By Mr. Rowan, motion, on inquiring into the conduct of Judge Harry James, United States district of Kentucky. Wash., A. & G. Way, 1808. 48 p. W. D. L.

10 C: 1 S. April 7, 1808.
By Mr. Findley, on date of closing the present session and of business necessary to be done. Wash., A. & G. Way. 4 p. Ath. W. D. L.

10 C: 1 S. April 8, 1808.
By Mr. Campbell, motion, on authorizing the President to repeal the embargo.

SENATE DOCUMENTS.

10 C: 2 S. December 28, 1808.
Message of December 23? from the President, transmitting, under S. Res. of November 14, all European orders and decrees since 1791 affecting the commercial rights of the United States. Fol. Washington, Roger Chew Weightman, 1808. 54 p. W. D. L. Also 8°. Washington, R. C. Weightman, 1808. 123 p. Ath. W. D. L.

10 C: 2 S. December 28, 1808.
Message, December 27, from the President, transmitting, under S. Res. of November 14, report of Secretary of Treasury Gallatin on number of vessels departed from the United States with permission. Fol. W. D. L. ?

10 C: 2 S. January 5, 1809.
Message from the President, transmitting report on the mint. A. S. P., Fin., 2: 317–318. Ath.

SENATE REPORTS.

10 C: 2 S. November 10, 1808.
By Mr. Giles, motion, on the embargo laws. Ath.

10 C: 2 S. November 11, 1808.
By Mr. Hillhouse, motion, on the repeal of the embargo. Ath.

10 C: 2 S. November 11, 1808.
By Mr. Reed, motion, concerning stationery for the Senate. Ath.

10 C: 2 S. November 16, 1808.
By Mr. Bradley, motion, on the proceedings of the Dey of Algiers. Ath.

10 C: 2 S. November 17, 1808.
By Mr. Anderson, motion, on memorial of merchants of Boston, Salem. New York, etc. Ath.

10 C: 2 S. December 2, 1808.
By Mr. Gaillard, motion, on district judges. Ath.

10 C: 2 S. December 28, 1808.
By Mr. Grigg, motion, on binding sets of documents. Ath.

10 C: 2 S. January 16, 1809.
By Mr. Smith, motion, on appropriating two millions of dollars. Ath.

10 C: 2 S. January 27, 1809.
By Mr. Bayard, motion, on provisions for the support of the United States judges. Ath.

10 C: 2 S. February 8, 1809.
By Mr. Giles, motion, on interdicting foreign armed ships from the waters of the United States. Ath.

10 C: 2 S. February 13, 1809.
By Mr. Hillhouse, motion, on discouraging extravagant claims. Ath.

10 C: 2 S. February 20, 1809.
By Mr. Giles, motion, relative to control of United States courts. n. p., n. d. 1 p. Ath.

10 C: 2 S. February 25, 1809.
By Mr. Mitchell, motion, relative to control of the Library of Congress. n. p., n. d. — p. Ath.

HOUSE REPORTS.

10 C: 2 S. November 10, 1808.
By Mr. Eppes, motion, on discontinuing all intercourse with Great Britain and France. Ath.

10 C: 2 S. November 10, 1808.
By Mr. Chittenden, motion, on the repeal of the embargo law. Ath.

10 C: 2 S. November 14, 1808.
By Mr. Mumford, motion, on the repeal of the embargo. Ath.

10 C: 2 S. November 15, 1808.
By Mr. Sawyer, motion, on opening communication with the West Indies. Ath.

10 C: 2 S. November 16, 1808.
By Mr. Cook, motion, on arming merchant vessels. Ath.

10 C: 2 S. November 21, 1808.
By Mr. Dana, motion, on regulating the conduct of merchant vessels. Ath.

10 C: 2 S. January 26, 1809.

By Mr. Poindexter, motion, on the sale of United States lands in the Territory of Orleans. Ath.

10 C: 2 S. February 26, 1809.

By Mr. Dana, motion, on allowing merchant vessels to be armed. Ath.

SENATE DOCUMENTS.

11 C: 1 S. June 6, 1809.

Report of Secretary of War Eustis, on military affairs. Washington, R. C. Weightman, 1809. 4 p. W. D. L.

11 C: 1 S. June 8, 1809.

Report of Secretary of Navy Hamilton, on sale of gunboats. W. D. L.

SENATE DOCUMENTS.

11 C: 2 S. January 22, 1810.

Message from the President, transmitting report of Secretary of Treasury Gallatin on relations with the Barbary Powers. A. S. P., Misc., 2: 20–45. Washington, R. C. Weightman. 1810. 108 p. Ath. W. D. L.

11 C: 2 S. February 9, 1810.

Report of Attorney-General Rodney, under S. Res. of February 6, on cases in the United States Supreme Court on appeal from the Territory of Orleans. Ath.

SENATE REPORTS.

11 C: 2 S. January 12, 1810.

By Mr. Meigs, on petition of Daniel Boone asking for a grant of land. Ath. W. D. L.

11 C: 2 S. March 6, 1810.

By Mr. Smith, of Maryland, on the President's message relative to the reorganization of the militia. A. S. P., Mil. Af., 1: 256. Ath.

11 C: 2 S. March 29, 1810.

By Mr. Gregg, on business necessary to be done and on expediency of closing the present session. Washington, R. C. Weightman. 1810. 8 p. Ath. W. D. L.

11 C: 2 S. April 2, 1810.

By Mr. Brent, on petition of Father Guillet in behalf of the religious order of La Trappe regarding public lands. A. S. P., P. L., 2: 106–107. Washington, R. C. Weightman. 1810. 6 p. Ath. W. D. L.

11 C: 2 S. April 17, 1810.

By Mr. Clay, on petition of Elisha Winters. Ath.

11 C: 2 S. April 19, 1810.

By Mr. Giles, on resolution relative to bounty lands for Virginian soldiers. Ath.

HOUSE DOCUMENTS.

11 C: 2 S. February 14, 1810.

Letter, February 1, from Secretary of Treasury Gallatin, accompanying a bill for the relief of L. Audrain, to chairman of Committee on Claims. Ath.

11 C: 2 S. February 22, 1810.

Report of Secretary of State Smith, on petition of G. Hannah and others relative to relief of impressed American seamen. Ath.

HOUSE REPORTS.

11 C: 1 S. December 7, 1809.

By Mr. Morrow, on petitions of Thomas Ayres and other Canadian refugees, asking compensation for losses. Washington, A. & G. Way, 1809. 4 p. W. D. L.

11 C: 2 S. December 19, 1809.

By Mr. Macon, on the standing rules of the House. Washington, A. & G. Way, 1809. 16 p. Ath. W. D. L.

11 C: 2 S. January 4 (?), 1810.

By Mr. ———, on naval hospitals. Ath.

11 C: 2 S. January 31, 1810.

By Mr. Nelson, on resolutions relative to granting half pay to Revolutionary soldiers. A. S. P., Claims, 372. Ath.

11 C: 2 S. February 26, 1810.

By Mr. Bassett, on creating a fund for naval hospitals. A. S. P., Nav. Af., 1: 227–228. Ath.

SENATE DOCUMENTS.

11 C: 3 S. December 18, 1810.

Memorial of the officers of the Bank of the United States. Ath.

11 C: 3 S. December 24, 1810.

Memorial of the Chamber of Commerce of Philadelphia, favoring the renewal of the charter of the Bank of the United States. A. S. P., Com. and Nav., 1822. Fin., 2: 453–454. Ath.

11 C: 3 S. December 24, 1810.

Petition of merchants of Philadelphia, asking exemption from the provision of the nonintercourse law. Ath.

11 C: 3 S. January 28, 1811.

Message, January 25, from the President, transmitting, under S. Res. of January 21, report of Secretary of Treasury Gallatin. Washington, R. C. Weightman, 1811. 4 p. Ath. W. D. L.

11 C: 3 S. February 5, 1811.

Message from the President, transmitting, under S. Res. of February 1, report of Secretary of State Smith on the census of the Territory of Orleans. Washington, R. C. Weightman, 1811. 4 p., 2 bdsds. Ath. W. D. L.

11 C: 3 S. February 5, 1811.

Report of Secretary of Treasury Gallatin, on the renewal of the charter of the United States Bank. A. S. P., Fin., 2: 480–481. Washington, R. C. Weightman, 1811. 8 p. Ath. W. D. L.

11 C: 3 S. February 7, 1811.

Message from the President, transmitting, under S. Res. of January 21, report of Secretary of Treasury Gallatin. Washington, R. C. Weightman, 1811. 4 p., 9 bdsds. W. D. L.

SENATE REPORTS.

11 C: 3 S. January 10, 1811.

By Mr. Gregg, on claims of the heirs of Gen. Anthony Wayne. A. S. P., Claims, 408. Washington, R. C. Weightman, 1811. 10 p. Ath. W. D. L.

11 C: 3 S. March 2, 1811.

By Mr. Bradley, on memorial of General James Wilkinson. Washington, R. C. Weightman. 1811. 8 p. W. D. L.

HOUSE DOCUMENTS.

11 C: 3 S. December 5, 1810.

Annual message from the President. Washington, R. C. Weightman, 1810. — p. W. D. L.

11 C: 3 S. December 21, 1810.

Memorial of Illinois and Wabash Land Company. A. S. P., Pub. L., 2: 108:120. n. p., n. d. — p. Ath.

11 C: 3 S. December 24, 1810.

Report of Secretary of Treasury Gallatin, on foreign coins. Washington, R. C. Weightman, 1810. 4 p., 1 bdsd. Ath. W. D. L.

11 C: 3 S. December 31, 1810.

Regulations prepared by Secretary of War Eustis, for improving the discipline of the militia. Ath.

11 C: 3 S. January 9, 1811.

Supplementary report of Secretary of Treasury Gallatin, under H. Res. of December 24, 1810, on additional compensation to commissioners west of Pearl River. Washington, R. C. Weightman, 1811. 4 p. Ath. W. D. L.

11 C: 3 S. January 9, 1811.

Report by Secretary of Treasury Gallatin, on unlawful occupancy of public lands. A. S. P., P. L., 2: 242–251. Washington, R. C. Weightman, 1811. 11 p., 9 bdsds. Ath. W. D. L.

11 C: 3 S. January 14, 1811.

Message, January 12, from the President, on British affairs. Washington, R. C. Weightman, 1811. 8 p. Ath. W. D. L.

11 C: 3 S. January 15, 1811.

Report of Secretary of Navy Hamilton, on naval contracts. Ath.

11 C: 3 S. January 22, 1811.

Accounts of the Treasurer of the United States for 1810. Washington, R. C. Weightman, 1811. 214 p. Ath. W. D. L.

11 C: 3 S. February 11, 1811.

Message from the President, transmitting, under S. Res. of February 7, report of Secretary of Treasury Gallatin, on claim of G. W. Erving. A. S. P., Fin., 2: 484–486. Ath.

11 C: 3 S. February 12, 1811.

Report of Secretary of State Smith, on naturalized and registered seamen, from 1796 to 1809. A. S. P., Com. and Nav., 1: 872. Ath.

11 C: 3 S. February 19, 1811.

Message from the President, on the militia. A. S. P., Mil. Af., 1: 297–301. 4 p., 1 bdsd. W. D. L.

HOUSE REPORT.

12 C: 1 S. May 26, 1812.

Report of Secretary of Navy Hamilton on naval hospitals. A. S. P., Nav. Af., 1: 270–273. n. p., n. d. 10 p. Ath.

SENATE DOCUMENTS.

12 C: 1 S. March 9, 1812.

Message from the President, on relations with Great Britain. A. S. P., For. R., 3: 545–547. Washington, R. C. Weightman, 1812. 50 p. Ath. W. D. L.

12 C: 1 S. May 26, 1812.

Message from the President, transmitting correspondence of Secretary of State Madison on relations with France. Washington, R. C. Weightman, 1812. 52 p. Ath. W. D. L.

HOUSE DOCUMENTS.

12 C: 1 S. November 8, 1811.

Message, November 7, from the President, on relations with France. Washington, A. & G. Way, 1811. 8 p. W. D. L.

12 C: 1 S. December 16, 1811.

Report of Secretary of War Eustis, on ordnance and ordnance stores. Ath.

12 C: 1 S. January 1, 1812.

Annual report of Secretary of Navy Hamilton, on expenditures for past year. Washington, R. C. Weightman, 1812. Fol. 4 p., 1 bdsd. Ath. W. D. L.

12 C: 1 S. January 21, 1812.

Report of Secretary of State Monroe, on clerks in his office. A. S. P., Misc., 2: 169–172. Ath.

12 C: 1 S. January 21, 1812.

Report of Secretary of War Eustis, on clerks in his office. Ath.

12 C: 1 S. January 31, 1812.

Letter of Secretary of War Eustis, setting forth necessity of additional appropriations for an additional military force. A. S. P., Mil. Af., 1: 317. Fol. Ath.

SENATE DOCUMENT.

12 C: 2 S. January 14, 1813.

Message from the President, transmitting, under S. Res. of December 22, 1812, report of Secretary of State Madison respecting East Florida. Washington, Roger C. Weightman, 1813. 60 p. Ath. W. D. L. Confidentially printed under authority of Senate January 26, 1813.

HOUSE DOCUMENTS.

12 C: 2 S. January 22, 1813.

Message from the President, transmitting correspondence relative to American prisoners of war at Halifax. Washington, R. C. Weightman, 1813. 8 p. W. D. L.

12 C: 2 S. January 26, 1813.

Report of Secretary of Treasury Gallatin, on contracts, disbursements for disabled seamen, etc. Washington, R. C. Weightman, 1813. 4 p. W. D. L.

SENATE DOCUMENT.

13 C: 1 S. June 29, 1813.

Report of Secretary of State Monroe on petition of Thomas H. Strong. n. p., n. d. 3 p. Ath.

SENATE REPORTS.

13 C: 1 S. May 26, 1813.

By Mr. Campbell, motion, relative to the military establishment. n. p., n. d. 1 p. Ath.

13 C: 1 S. July 14, 1813.

By Mr. Anderson, motion, on naming a day for humiliation and prayer. n. p., n. d. 1 p. Ath.

13 C: 1 S. July 19, 1813.

By Mr. Bledsoe, motion, concerning the Pennsylvania Academy of Fine Arts. n. p., n. d. 1 p. Ath.

13 C: 1 S. July 19, 1813.

By Mr. Dana, motion, on interdiction acts. n. p., n. d. 1 p. Ath.

13 C: 1 S. July 26, 1813.

By Mr. Leib, motion on additional pay to officials of Senate. n. p., n. d. 1 p. Ath.

13 C: 1 S. July 26, 1813.

By Mr. King, motion calling on the President for terms of loan under act of Congress of February 8, 1813. n. p., n. d. 1 p. Ath.

HOUSE DOCUMENT.

13 C: 1 S. June 3, 1813.

Letter from Acting Secretary of Treasury Jones, transmitting annual report on the finances of the United States. Fol. Washington, R. C. Weightman, 1813. 16 p. Ath. W. D. L.

HOUSE REPORTS.

13 C: 1 S. June 10, 1813.

By Mr. Webster, motion, on the Berlin and Milan decrees. Ath.

13 C: 1 S. June 14, 1813.

By Mr. C. King, motion, relative to contested elections. Ath.

13 C: 1 S. July 21, 1813.

By Mr. Archer, on claims for payment of teams captured at Detroit. A. S. P., Claims, 240. Fol. Washington, Roger C. Weightman, 1813. 6 p. Ath. W. D. L.

SENATE DOCUMENTS.

13 C: 2 S. January 10, 1814.

Annual report of Acting Secretary of Treasury Jones, on the finances of the United States. A. S. P., Fin., 2: 651–652. Ath.

13 C: 2 S. January 14, 1814.

Message from the President, on contingent expenses, 1813. Ath.

13 C: 2 S. February 22, 1814.

Report of Secretary of Navy Jones, on the condition of the Navy. A. S. P., Nav. Af., 1: 305–307. Ath.

13 C: 2 S. March 22, 1814.

Report by Assistant Postmaster-General, on unproductive post routes. Ath. W. D. L.

SENATE REPORTS.

13 C: 2 S. March 25, 1814.

By Mr. Gore, motion requesting the President to furnish copies of commissions of Albert Gallatin et al. n. p., n. d. 1 p. Ath.

HOUSE DOCUMENTS.

13 C: 2 S. December 7, 1813.

Annual message from the President. Washington, R. C. Weightman, 1813. 16 p. Ath. W. D. L.

13 C: 2 S. December 28, 1813.

Report of Secretary of War Armstrong, on expenditures of money transferred from appropriation for military department since last session of Congress. Washington, R. C. Weightman, 1813. Fol. 4 p. 5 bdsds. Ath. W. D. L.

13 C: 2 S. January 3, 1814.

Report of Secretary of War Armstrong, on expenses of military establishment to September 30, 1813. Washington, R. C. Weightman, 1814. Fol. 4 p. 1 bdsd. Ath. W. D. L.

13 C: 2 S. January 5, 1814.

Report of Secretary of State Madison, on destitute seamen. W. D. L.

13 C: 2 S. January 6, 1814.

Message from the President, transmitting correspondence of Secretary of State Madison with the British Secretary of State for Foreign Affairs relative to the restoration of peace. A. S. P., For. R., 3: 621–623. Washington, R. C. Weightman, 1814. 11 p. Ath. W. D. L.

HOUSE REPORT.

13 C: 2 S. January 12, 1814.

By Mr. Archer, on the petition of John Pitchlyn. Washington, A. & G. Way, 1814. 4 p. Ath. W. D. L.

SENATE DOCUMENTS.

13 C: 3 S. October 10, 1814.

Letter from Secretary of Navy Jones, on capture of British sloop *Epervier* by U. S. S. *Peacock*. A. S. P., Nav. Af., 1: 313. Washington, R. C. Weightman, 1814. 8 p. W. D. L.

13 C: 3 S. October 10, 1814.

Message from the President on pending peace negotiation with Great Britain. A. S. P., For. R., 3: 695–726. Washington, A. & G. Way, 1814. 26 p. Ath. W. D. L.

13 C: 3 S. October 17, 1814.

Letter from Secretary of Navy Jones, on the capture of British sloop of war *Reindeer* by the American sloop of war *Wasp*. A. S. P., Nav. Af., 1: 315–319. Washington, R. C. Weightman, 1814. 13 p. 1 bdsd. Ath. W. D. L.

13 C: 3 S. February 23, 1815.

Message from the President, transmitting treaties with Indian tribes, of July 22 and August 9, 1814. Ath.

SENATE REPORTS.

13 C: 3 S. September 23, 1814.

By Mr. Giles, motion requesting information from the President respecting the relations of the United States with the continental powers of Europe. n. p., n. d. 1 p. Ath.

13 C: 3 S. October 21, 1814.

By Mr. Fromentin, motion on printing bills reported on unfavorably. n. p., n. d. 1 p. Ath.

13 C: 3 S. November 5, 1814.

By Mr. Dana, motion on naval appointments. n. p., n. d. 1 p. Ath.

13 C: 3 S. November 7, 1814.

By Mr. Fromentin, motion on reorganization of Navy, and a digest of laws relative to it. n. p., n. d. 1 p. Ath.

13 C: 3 S. November 19, 1814.

By Mr. Horsey, motion on expenditures and repairs of arms and equipment. Ath.

13 C: 3 S. December 6, 1814.

By Mr. Horsey, motion asking the President for information relative to the cost, expenditures, and revenue of the Post-Office Department. n. p., n. d. 1 p. Ath.

13 C: 3 S. December 27, 1814.

By Mr. Daggett, motion on public printing and binding. n. p., n. d. 1 p. Ath.

13 C: 3 S. December 27, 1814.

By Mr. King, motion relative to the contingent expenses of the Navy. n. p., n. d. 1 p. Ath.

13 C: 3 S. February 13, 1815.

By Mr. Giles, on extending the thanks of Congress to Gen. Andrew Jackson in connection with the battle of New Orleans. Ath.

13 C: 3 S. February 13, 1815.

By Mr. Tait, on the valor of the Navy and marines at the battle of New Orleans. Ath.

HOUSE DOCUMENTS.

13 C: 3 S. February 28, 1815.
Report of Postmaster-General Meigs on clerks of his Department. Ath.

HOUSE REPORTS.

13 C: 3 S. November 29, 1814.
By Mr. Johnson, of Kentucky, on the success of the enemy in his operations against Washington. A. S. P., Mil. Af., 1: 524–599? Washington, A. & G. Way, 1814. 52 p. Ath. W. D. L.

SENATE DOCUMENTS.

14 C: 1 S. January 11, 1816.
Documents relative to the operations of the squadron under command of Commodore Decatur against the Barbary Powers. Document No. 15. n. p., n. d. — p. Ath.

14 C: 1 S. February 6, 1816.
Message from the President recommending that other lands than those in Michigan be set aside for bounties to soldiers. Washington, W. A. Davis, 1816. 3 p. W. D. L.

14 C: 1 S. February 13, 1816.
Report of Secretary of Treasury Dallas, under H. Res. of February 23, on proper tariffs to be imposed on imported goods. Washington, W. A. Davis, 1816. 61 p. Ath. W. D. L.

14 C: 1 S. April 3, 1816.
Amendments to House bill "To incorporate subscribers to the Bank of the United States." Document No. 79. n. p., n. d. 3 p. W. D. L.

14 C: 1 S. April 8, 1816.
Report of Secretary of War Crawford, under S. Res. of April 3, on expenditures for ordnance. n. p., n. d. 4 p., 1 bdsd. Ath. W. D. L.

SENATE REPORTS.

14 C: 1 S. April 3, 1816.
By Mr. King, on petition of T. B., W. S., and S. L. Wait, relative to publication of confidential messages of the Senate. W. D. L.

14 C: 1 S. April 8, 1816.
By Mr. Nelson, on the official conduct of Judge M. B. Tallmadge, District Court of New York. n. p., n. d. 2 p. W. D. L. (Document No. 86.)

HOUSE DOCUMENTS.

14 C: 1 S. December 5, 1815.
Annual message from the President. A. S. P., For. R., 4: 1–4. Washington, W. A. Davis, 1815. 16 p. Ath. W. D. L.

14 C: 1 S. February 15, 1816.
Statement of lands, etc. Washington, W. A. Davis, 1816. 5 p. W. D. L.

14 C: 1 S. March 1, 1816.
Report of Secretary of War Crawford, submitting estimates for West Point Military Academy. n. p., n. d. 10 p. Ath. W. D. L.

SENATE DOCUMENTS.

14 C: 2 S. January 3, 1817.

Treaty between the United States and the King of Sweden and Norway. n. p., n. d. 9 p. Printed under an injunction of secrecy. W. D. L.

14 C: 2 S. January 31, 1817.

Report of president and directors of Washington Canal Company. n. p., n. d. 2 p. W. D. L.

SENATE REPORTS.

14 C: 2 S. December 3, 1816.

By Mr. Barbour, on the notification to the President that Congress was in session. Ath.

HOUSE DOCUMENTS.

14 C: 2 S. December 6, 1816.

Constitution of the State of Indiana adopted in convention at Corydon, 29 June, 1816. Washington, William A. Davis, 1816. 36 p. W. D. L.

X.—REPORT OF THE PUBLIC ARCHIVES COMMISSION, DECEMBER 31, 1903.

(WITH REPORTS ON ARCHIVES IN COLORADO, GEORGIA, MISSISSIPPI, NEW JERSEY, RHODE ISLAND, AND VIRGINIA.)

HERMAN V. AMES, Chairman.

WM. MacDONALD.
HERBERT L. OSGOOD.
JOHN MARTIN VINCENT.
EDWIN ERLE SPARKS.

REPORT OF THE PUBLIC ARCHIVES COMMISSION.

DECEMBER 31, 1903.

To the Executive Council of the American Historical Association:

The Public Archives Commission of the American Historical Association submits the following report for the year 1903:

The work of the commission during the past year has been directed toward extending its activities along similar lines as heretofore, and has been conducted in accordance with the same general policy that has characterized its earlier undertakings. In general, this work may be said to fall into two distinct fields--first, in furthering the investigation of State and to a limited extent of local archives, and the preparation of reports setting forth the character of the same and the provisions made for their preservation and use; and, secondly, in the effort to promote and encourage State legislation providing for the more adequate supervision of State and local archives. Progress can be reported in both of these fields.

The work has been extended through the appointment of adjunct members in five States in which the commission hitherto had not been represented, and by the filling of vacancies and the appointment of associate members in six States, as follows:

Arkansas.—Prof. J. H. Reynolds, University of Arkansas, Fayetteville, Ark.

Colorado.—Prof. Frederic C. Paxson, University of Colorado, Boulder, Colo.

Georgia.—Dr. Ulrich B. Phillips, University of Wisconsin, Madison, Wis., and Milledgeville, Ga.; Mr. Thomas Gamble, jr., Savannah, Ga., associate.

Indiana.—Associate member, Prof. Cyrus W. Hodgin, Earlham College, Richmond, Ind.

Kansas.—Prof. Carl Becker, University of Kansas, Lawrence, Kans.

Minnesota.—Prof. Frank Malory Anderson, University of Minnesota, Minneapolis, Minn.

North Carolina.—Associate member, Prof. Charles Lee Raper, University of North Carolina, Chapel Hill, N. C.

South Carolina.—Mr. A. T. Salley, jr., librarian South Carolina Historical Society, Charleston, S. C.

Texas.—Associate member, Dr. Herbert E. Boulton, University of Texas, Austin, Tex.

Wisconsin.—Prof. Carl Russell Fish, University of Wisconsin, Madison, Wis.

These new appointments, together with those of previous years, give the commission representatives in about three-fourths of the States. Prof. Kendric C. Babcock has been obliged to suspend, at least temporarily, the investigation of the records of California referred to in the report for 1902 as in progress, owing to his removal from the State.

Reports from six States have been submitted and are presented herewith, as follows:

1. A report on the State archives of Colorado, with an account of the several administrative offices, by Prof. Frederic C. Paxson, of the State University.

2. A partial report on the State and local archives of Georgia, by Dr. Ulrich B. Phillips, of the University of Wisconsin.

3. A brief report on the work of the department of archives and history of the State of Mississippi, by Prof. Franklin L. Riley, of the University of Mississippi.

4. A report on the public archives of New Jersey, including a list and summary of the public documents for the year 1900, by Mr. William Nelson, jr., chairman of the record commission and corresponding secretary of the New Jersey Historical Society.

5. A report on the public archives of Rhode Island, both State and local, comprising public archives of the entire State, by Mr. Clarence S. Brigham, librarian of the Rhode Island Historical Society, with the assistance of Dr. Frank G. Bates upon a part of the State archives.

6. A report on the State archives of Virginia, with a brief general account of the county records, by Mr. William G. Stanard, corresponding secretary and librarian of the Virginia Historical Society.

In addition, investigations have been in progress in the records of several of the other States, namely, Arkansas, Illinois, Indiana, Kansas, Louisiana, Maryland, Minnesota, Nebraska, North Carolina, South Carolina, and Wisconsin, but owing to various circumstances these could not be completed to permit of presentation at this time. It is expected that the majority of these will be ready for publication a year hence. The commission desires especially to record its appreciation of the unselfish and generous services of its adjunct and associate members and of their cordial cooperation in furthering its plans.

In regard to the work of promoting legislative action for the care of the public archives, your commission made two efforts—one in New York, the other in Pennsylvania. The bill presented through the legislature of New York in the session of 1902–3, the text of which was given in our last report, which proposed to add to the duties of the State historian those of a commissioner of records, failed. The bill was introduced in both houses, was referred, and hearings were held by a committee of each house. Approval of the measure was general in the press, among individuals, and on the part of the historical societies of the State. Some, however, were disposed to deny that the condition of local records was so bad as has been represented. Owing to the legislative tangle over important measures in the later weeks of the session, it was impossible to get the bill reported and secure action on it upon the floor of the two houses. It is hoped that better success may attend renewed efforts to secure this important legislation.

In Pennsylvania a very hopeful beginning has been made, which, in part at least, is due to the efforts inaugurated by this commission. Two measures relating to the archives received the approval of the governor on April 15, 1903. The first of these, after reciting that "Whereas there are many old manuscript archives of great historical value belonging to our State that have been for a long time stored away in a neglected condition, in consequence of which many of them have been lost," authorized the appropriation of $10,000, to be expended under the supervision of an unsalaried commission, for cleaning, mending, classifying, cataloguing, and binding such old manuscript papers, and further made provision for the deposit of them in the State library.

The second act created a division of public records, under the supervision of the State librarian and an unsalaried advisory commission of "five persons of known knowledge of and interest in the preservation of all public records." The efforts of the representative of this commission in proposing legislation were heartily approved and furthered by the officials of the State, especially by the governor, the attorney-general, and the librarian, as well as by certain private citizens, notably Mr. Burton A. Konkle, a member of The Historical Society of Pennsylvania. The movement also received the indorsement of some of the patriotic and historical societies of the State. The text of the act follows:

AN ACT for the creation and government of a division of the State library for the preservation of public records.

SECTION 1. *Be it enacted by the senate and house of representatives of the Commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That there is hereby created a division of public records, in connection with the State library, which shall be devoted to the preservation of all public records throughout the Commonwealth, but which shall especially have custody of all public records of the State government not in current use and consequently primarily of historical value.

SEC. 2. That this division of public records shall be governed by the trustees of the State library.

SEC. 3. That the trustees shall, so soon as may be possible, provide adequate fireproof quarters for the records placed in their care.

SEC. 4. That the division of public records shall be under the direction of the State librarian, who shall have immediate charge of and be responsible for everything consigned to his custody and shall enforce all rules and regulations provided by the trustees. He shall receive and disburse all moneys that are or may be hereafter appropriated for this division's purposes, and to keep accurate accounts thereof, and to make settlement therefor in the same manner as is provided for the accounts of the State library. He shall collect, classify, preserve, and make accessible for reference, all records which may come into the possession of the division, with such exceptions as may be indicated by the trustees. He shall report to the trustees biennially on the condition of the State records, with such recommendations as shall be desirable for the preservation of all public records throughout Pennsylvania. He may appoint such assistants at such salaries as shall be authorized by the legislature from time to time in the general appropriation bill, and may expend such sums for the purpose of the division as may be appropriated by the legislature for that purpose.

SEC. 5. That the heads of the various departments of the State government shall deposit all papers relating to their departments with this division, beginning with the earliest records to the year seventeen hundred and fifty, which are not needed by the department for business purposes.

SEC. 6. That the governor shall appoint, annually, an advisory commission of public records, who shall serve without compensation, composed of five persons of known knowledge of and interest in the preservation of all public records, whose duty it shall be to meet with the trustees and the State librarian at least once a year, at such time as the governor shall arrange, and who shall make such additional recommendations to the legislature as shall be deemed wise for the further preservation of all public records throughout the State. The State librarian shall be the secretary of this meeting and of all meetings of the trustees.

SEC. 7. That all Acts or parts of Acts inconsistent herewith be, and the same are hereby, repealed.

Approved, the 14th day of April, A. D. 1903.

The work of bringing together the older archives, which previously were scattered among the several departments and offices of the State, as recorded in the first report of the commission, is now well under way, and the advisory commission has been appointed, with Mr. John W. Jordan, librarian of The Historical Society of Pennsylvania, as chairman. It may be noted that the act provides that the librarian in his biennial report shall make such recommendations "as shall be deemed wise for the further preservation of all public records throughout the State." It is to be hoped that such recommendations may be instrumental in making more adequate provision for the careful custody and supervision of the county and other local records. The sum of $8,000 was appropriated for the necessary expenses of the division of public records for the period of two years. Thus, by these two measures, the State of Pennsylvania has made $18,000 immediately available for the care of its manuscript records and archives.

That there is a growing appreciation of the value of public records, and that a more general interest is being aroused in relation to the intelligent and rational supervision of the same, is attested not only by recent legislation in several of the States, but also by the increasing activity of various historical, genealogical, and patriotic societies in having copies of valuable local records made and deposited where they may be accessible.

Additional items in regard to recent State legislation may be of interest. In Connecticut the temporary record commission after serving four years ceased to exist January, 1903, under the terms of the act creating it. Following in part the recom-

mendations of the retiring commission, the legislature, June 9, 1903, created the office of temporary examiner of public records for the term of two years. The duties of the examiner are to "see to the enforcement of the laws relating to the maintenance and preservation of the records throughout the State, and to the preparation of a report upon the extant public records," with such suggestions as may seem important for the safety and benefit of the same. Attention is also directed to the new provision made for the custody of the archives of Virginia, referred to in the accompanying report upon that State. The departments of archives and history in the States of Alabama and Mississippi, through the activity of their respective directors, Mr. Thomas M. Owen and Mr. Dunbar Rowland, in the collection of manuscripts and other historical material and in the preparation of elaborate reports, not only have justified their existence, but also offered commendable examples that might well be imitated by their sister States. As has been noted above, we submit in connection with this report a brief survey of the activity of this department of the State of Mississippi, and we expect to present in our next report a similar summary of the work of the kindred department of the State of Alabama.

In the State of Georgia the temporary office of commissioner of State records has been created, but no direct appropriation for the support of the office has been made. The remuneration of the commissioner as well as the expenses of the publication of the State papers prepared by him are to be met from the proceeds of the sale of the archives published. The State of Tennessee recently has made a small appropriation for arranging and cataloguing the State archives.

Owing to the temporary absence from the country of Prof. Charles M. Andrews, a member of the Commission, he has not had an opportunity to participate in the deliberations of the Commission or to give his approval to this report.

Respectfully submitted.

HERMAN V. AMES.
WILLIAM MACDONALD.
HERBERT L. OSGOOD.
JOHN MARTIN VINCENT.
EDWIN ERLE SPARKS.

THE PUBLIC ARCHIVES OF THE STATE OF COLORADO.

By Frederic L. Paxson, Ph. D.,
Professor of History, University of Colorado.

INTRODUCTION.

This report[a] on the archives of the State of Colorado covers the period since the admission of the State into the United States in 1876. No attempt has been made to compile here a complete bibliography of the publications of the State, for that work is already in the competent hands of Mrs. Mary F. Miller, deputy librarian, who is preparing such a list for R. R. Bowker's Catalogue of State Publications. But the attempt is made to describe the various instruments of administration in the State, and to give such an account of the public records created and preserved by them as may be of use to the historical student, present and to come.

There is no general law in Colorado to provide for the preservation of the public records. This work is left entirely to the discretion of the respective officials of the State, and, as a result, in those offices whose daily work does not compel constant reference to the archives there is practically no knowledge of periods previous to the present administration, and little regard for the records of the past.

[a] It is proper that I should express here my great appreciation of the courtesy that has been extended to me as I have done this work. The officials of the State have been generous in giving me their time and, more, their hearty cooperation. The governor, his excellency James H. Peabody, at the beginning provided me with credentials and authority which I have never had occasion to use. The superintendent of public instruction, Mrs. Helen L. Grenfell, and the deputy librarian, Mrs. Mary F. Miller, have not only been constantly at my service, but have given me those material comforts in the way of desk and office room that have done much to make my work a pleasure.

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I. Executive Officers.

1. GOVERNOR.

The sessions of the general assembly open on the first Monday in January and the governor is inaugurated on the second Tuesday in January in odd years.

The message of the first governor of the State, John L. Routt, for 1876, is published in a thick pamphlet that contains also the reports of the departments and the State institutions. The biennial messages from the second to the ninth assemblies, inclusive, are published in separate pamphlets. The tenth assembly, 1895, started the custom, which now prevails, of printing in one pamphlet the message of the retiring governor and the inaugural of his successor.

The manuscript records of the governor's office fall under the following heads:

(1) Executive record, which is a collection of all executive orders since 1861, and is now in the sixteenth volume. There is an index.
(2) Record of executive appointments, which has been kept since 1899.
(3) Record of extraditions and requisitions.
(4) Record of notaries public.
(5) Record of pardons, commutations, and paroles.
(6) Letter books and correspondence.
(7) Manuscript reports of the various institutions, departments, officers, commissions, etc., of the State.

2. SECRETARY OF STATE.

The records of the office of the secretary of state form the largest collection in the capitol. No attempt is made here to give an exact inventory of them. The general character and methods of preservation alone are considered.

Corporation work forms the chief business of the office. The corporations doing business in the State are classified as domestic and foreign, and their records are kept apart. The certificates of incorporation are kept in two numbered series; that of the foreign corporations consisting of certified copies of charters granted by the parent government. The domestic series are recorded at length, with all the accompanying papers, in record books, which now are beyond the ninety-sixth volume. The original papers themselves, from number one of the Territorial government in 1861, are preserved in files. Elaborate alphabetical indexes are kept for both series.

Since 1878 the proceedings of incorporation of cities and towns, previously kept by the county clerks, have been filed in the office, and they are now accessible.

The miscellaneous papers of the office embrace certificates of nomination filed by political parties, opinions of the attorneys-general, records of the county poor, records of stock brands, etc.

The papers of the State board of canvassers, which are kept in this office, comprise the election returns made by the various county clerks. These are bound in volumes, by elections, and are all preserved.

The papers of the State legislature are to be found in the care of the secretary of state. They consist chiefly of the manuscript journals of senate and house, the engrossed laws, and the vetoed bills, with their accompanying messages. The laws and the vetoed bills are bound in separate volumes for each session. In addition to these there have been preserved duplicate copies of most of the bills introduced into the assemblies. The papers, reports, and other documents relating to each statute are preserved together and stored, by sessions, in great chests.

The secretary of state has published regularly a biennial report. Copies have been seen of all but those for 1877–78 and 1881–82.

3. AUDITOR.

The printed biennial reports of the auditor have been found for each period, except 1877–78, 1879–80, 1885–86.

In his office are—

(1) Register of warrants drawn on the treasurer.
(2) Correspondence, chiefly with county clerks, assessors, and State institutions.
(3) Abstracts of county assessments.
(4) Semiannual statements of county collectors.

From these regular series of records, statistics are digested for the biennial reports.

4. TREASURER.

There are no important archives in the office of the treasurer except the books which he keeps. The accounts as they stand on these books are summarized in the biennial reports which have been printed without a break since the admission of the State.

5. ATTORNEY-GENERAL.

The attorney-general prints a biennial report, of which copies have been seen for each period except those between 1879 and 1884. The report contains extracts and abstracts from the opinions rendered in the performance of his duties. In his office are to be found:

(1) A complete file of opinions, indexed only by names.
(2) Briefs and paper books relating to the cases in which he has appeared.
(3) Letter books and files of correspondence. All letters written in the office are preserved.

6. ADJUTANT-GENERAL.

The printed reports of the adjutant-general have been found for each biennial period since the admission of Colorado into the Union, except for 1877–78, 1887–88, and 1891–92. He has also published, in considerable variety, editions of national-guard laws, rosters, and military codes. The manuscript archives of his office include, besides the current correspondence, much unclassified material relating to the Territorial period.

In 1899, the military board, consisting of the governor, adjutant-general, inspector-general, brigadier-general commanding, and attorney-general, was instructed to print the records of the Colorado Volunteers in the civil and Spanish-American wars. Lack of funds has prevented action here.

7. SUPERINTENDENT OF PUBLIC INSTRUCTION.

The superintendent of public instruction has published thirteen biennial reports (No. 1, 1876–1878; No. 13, 1901–2), in which are incorporated the respective reports of the State library, the State board of examiners, the State board of education, the State University, the School of Mines, the Agricultural College, the Normal School, the Deaf and Dumb Institute, the Industrial School for Boys, and the Industrial School for Girls.

The manuscript archives of the office of the superintendent include the records of the boards of examiners and education as well as the correspondence relating to the business of the superintendent. All of this correspondence is preserved in files and letter books.

Besides the biennial report, the superintendent of public instruction issues a great quantity of pamphlet literature such as bulletins, special programmes for celebrations, courses of study, school laws, and decisions of the various boards.

Account of the records of the various institutions reporting to the superintendent of public instruction will be found under their respective titles.

II. LEGISLATIVE.

8. PAPERS OF THE GENERAL ASSEMBLY.

The manuscript archives of the general assembly are preserved in the office of the secretary of state. The manuscript journals of the assembly are accessible in this office. They have been published regularly since the second session of the assembly in 1879. No printed journal has been found for the session of 1876–77. For the sessions of 1879, 1881, and 1883 the journals of both houses were printed in the same volume. Since then there are separate volumes for house and senate at each session.

There have been thirteen regular and three extra sessions of the assembly. Except for the first and last sessions, the laws have been printed separately for each session. In the last case—the special session of 1903—the laws are printed in the same volume with those of the regular session of the same year. In the first case, the laws of the session of 1876 were included in the "General Laws" of 1877. Until 1900 there were regular Spanish editions of the laws, and occasional German editions.

Two official compilations of the laws have been made. "The General Laws of the State of Colorado, * * * Denver, 1877," is a collection of statutes in force at the time of the admission of the State, together with those of the first assembly. "The General Statutes of the State of Colorado, 1883," is a similar compilation published in 1883. The earlier collection is also in German and Spanish, the later in Spanish. Codes of civil procedure have been issued in 1877, 1879, and 1883.

The occasional documents published by the assembly are issued without a regular system. They comprise chiefly reports, speeches, election cases, land investigations, and other matters of immediate interest. A complete bibliography of these is in process of preparation by Mrs. Mary F. Miller, deputy State librarian, for R. R. Bowker's Catalogue of State Publications.

III. Judicial.

9. Judicial reports.

The judicial reports of Colorado are contained in two series of volumes, known, respectively, as "Colorado Reports" and "Court of Appeals Reports." The former series, running to 28 volumes to 1901, contains the opinions of the supreme court of the State, together with two and a half volumes of decisions of the Territorial supreme court. The court of appeals was created by act of April 6, 1891, and organized the following day. It has 15 volumes of reports to 1900; 1 by Beck, 2 to 9 by Robinson, and 10 to 15 by Gordon.

IV. Departments and Bureaus.

10. INSURANCE DEPARTMENT.

The insurance department of the State of Colorado is organized under an act of February 13, 1883. By this act the auditor of the State is made ex officio superintendent of insurance, with power to appoint a deputy superintendent who shall conduct the business of the department.

The act provides that the superintendent shall keep full records of the proceedings of the department, and that these records shall be a part of the public archives of the State. He is required to report annually to the governor of the State and to publish the report.

According to the law, twenty-one annual reports have been published, the last one being for 1903. In addition to these, annual synopses are published in advance of the formal report. Various directories of companies and agents have also been issued.

The manuscript archives of the insurance department, besides the regular letter books and letter files, consist chiefly of the annual statements of the companies operating in the State, the files of various company papers, and the licenses of agents authorized to do business. The annual statements are bound in large folios, and all the papers seem to be preserved.

The library of the department contains a valuable set of the reports of the insurance departments of the several States.

11. DEPARTMENT OF GAME AND FISH.

The department of game and fish, as it exists to-day, has had a prolonged and varied legislative history, which has prevented the adoption of any systematic scheme for the preservation of the archives of the department and its component officers. The present administration knows nothing of records or papers previous to the current biennial report.

The legal history of the department is involved.

The office of State fish commissioner was created by the first assembly of the State March 10, 1877. The office thus called into existence was to report annually to the governor, and receive per year the sum of $100 in remuneration for his services. The salary was increased from time to time.

An act of April 11, 1891, made it the duty of the fish com-

missioner to act as game and fish warden—an extension of duty against which the immediate incumbent protested vigorously and at once.

Meanwhile a forest commissioner had been provided for by act of April 4, 1885. His duties were to look after the forest lands of the State, and to report annually to the governor.

The department of forestry, game, and fish of April 16, 1897, consolidated the offices of fish and game commissioner and forest commissioner, and erected them into a permanent department of the State, with offices at the capital and an obligation to make a biennial report. The earlier acts were all repealed.

Two years later, April 27, 1899, this last act was repealed, and the repealing statute created the department of game and fish, which now exists. The duties of the forestry part of the 1897 department seem to have been assigned to the State board of land commissioners.

The office contains no archives previous to the incumbency of the present secretary.

The following list of printed reports is as complete as can be made at present:

(1) Fish commissioner: Reports 1 to 4 not published. Fifth biennial report, 1881–82; sixth, 1883–84.
(2) Fish and game commissioner: 1889–90; 1891–92; 1893–94; 1895–96. This series is complete.
(3) Forest commissioner: First annual report, 1885; second annual, 1886; (biennial) 1887–88, 1889–90. In the cases of the last two reports, the two consecutive annual reports were printed at one time and bound together. No later reports of this officer have been found.
(4) Department of forestry, fish, and game: 1897–98.
(5) Department of fish and game: 1899–1900; 1901–2.

12. BUREAU OF MINES.

An act of April 1, 1889, ordered the appointment of an "inspector of metalliferous mines of Colorado," who should make a biennial report to the governor. This act was repealed March 30, 1895, by a law transferring the duties of the inspector to a new bureau of mines of the State of Colorado, which should be under the direction of a commissioner of mines, who should report annually to the governor.

It can not be stated how many of the reports of the inspectors of metalliferous mines were printed. One only has

been discovered, for 1893–94; and when the office was merged in the bureau of mines no archives were transferred to the new department.

Reports for seven years have been printed by the bureau of mines, those for 1896, 1897, and 1898 being annual, and those for 1899–1900 and 1901 being biennial, under a new law. Five bulletins and a few pages of a sixth have been issued to date.

The bureau of mines preserves an excellent series of archives. A manuscript record has been kept of the proceedings of the department, which contains copies of all reports and important business. It fills six folio volumes to 1903. A similar record is preserved of the reports of the inspectors employed by the department, and is in its seventh volume. The annual reports of mine owners or managers to the department are bound up in seven folio volumes, to date. The current correspondence is preserved in files and letter books.

13. BUREAU OF LABOR STATISTICS.

The bureau of labor statistics of the State of Colorado has existed since March 24, 1887. It has made eight biennial reports to the governor, and all of them have been printed except that for 1897–98. It has published occasional pamphlets of labor laws.

14. BUREAU OF CHILD AND ANIMAL PROTECTION.

The Colorado Humane Society has existed since 1881, and, as a private body, has published reports from time to time, either alone or in connection with the Associated Charities of Denver. By act of April 30, 1901, this society was adopted as the State Bureau of Child and Animal Protection—the first of its kind in the United States.

As yet its archives are few in number and are made up of the correspondence and annual reports of its several hundred agents throughout the State. It has published but one report, for 1901–2.

15. BUREAU OF IMMIGRATION AND STATISTICS.

Until 1889 the secretary of the board of land commissioners acted as immigration agent. In this year he was superseded in this work by the bureau of immigration and statistics of

the State of Colorado. The creating act had the intent to erect a bureau with large activities in collection of statistics, newspaper files, and general information respecting the State. But funds have been lacking. The bureau published in 1889 a pamphlet on the Natural Resources and Industrial Development and Condition of Colorado.

V. State Boards of Commissioners.

16. board of equalization.

The State board for the equalization of taxes consists of the governor, secretary of state, auditor, treasurer, and attorney-general. It has published considerable miscellaneous material in the way of communications, and has printed some reports, of which those for 1895–96 and 1902 have been found.

17. board of land commissioners.

The State board of land commissioners consists of the governor, secretary of state, attorney-general, superintendent of public instruction, and a permanent secretary. Its chief function has been to care for the school lands of the State. Its first printed report covers the years 1878, 1879, 1880. Beginning with 1881–82, it has constantly published biennial reports, the twelfth being for 1901–2.

18. board of education.

The State board of education is provided for in section 1 of Article IX of the State constitution, and is instituted by the act of March 20, 1877. It consists of the superintendent of public instruction, the secretary of state, and the attorney-general, under the presidency of the first named.

Its report is published in the biennial report of the superintendent of public instruction, and its records are kept in the office of that official. The latter consists chiefly of correspondence and decisions, for the board sits as a court in decision of cases and appeals arising under the school laws.

19. board of examiners.

The State board of examiners consists of the superintendent of public instruction and the heads of the four principal State educational institutions. Its function is to make rules for the

examination of applicants for State life certificates, and to recommend to the board of education the issuing of such certificates, and to recommend to the same board candidates for complimentary State life certificates, and candidates for normal-institute instructors' and conductors' certificates. Its reports are printed in those of the state superintendent, and its archives are kept in his office.

20. BOARD OF LIBRARY COMMISSIONERS.

In connection with an act regulating public libraries in Colorado, a State board of library commissioners was established by an act of April 10, 1899. The function of this board is to counsel and assist the free libraries of the State. Every library supported wholly or in part by State funds is required to report annually to the board, which body reports biennially to the governor of the State.

The first biennial report of the commissioners appeared in 1902.

21. BOARD OF CHARITIES AND CORRECTIONS.

The Board of Charities and Corrections of Colorado was created by act of March 19, 1891. Its six biennial reports to date cover the years from 1891 to 1902. They include brief reports from the State charitable and penal institutions, and occasional reports on charity conferences.

The archives of the office contain the following classes of material:

(1) Papers of the board of pardons (*see* post).
(2) Record book for the daily work of the office.
(3) Minute book of the meetings of the board.
(4) Library of reports of boards of charities of other States.
(5) Files of newspaper clippings relating to charities and crimes.
(6) Manuscript reports from the charitable and penal institutions of the State.
(7) Criminal records: Between 1893 and April, 1901, the records of criminals in the State were preserved in record books. Since April, 1901, they have been kept in a card catalogue, which is gradually being expanded to include the earlier cases in the record books. The files of newspaper clippings are supplementary to these records.
(8) Correspondence of the office: Only the more important letters to the office are preserved in files. Carbon copies of letters written are preserved.

22. BOARD OF PARDONS.

The State board of pardons was created by act of March 21, 1893. It consists of the governor, the secretary of the board of charities and corrections, and four others. Five biennial reports of the board have been printed, the first for 1893–94, the fifth for 1901–2. Various pamphlets and laws are printed by the board.

The archives of the board of pardons are preserved in the office of the board of charities and corrections. They consist of:

(1) Case papers: Bundles of documents relating to cases brought up before the board. Previous to 1893 these are incomplete.
(2) Docket book in which cases are entered as they appear.
(3) Record books, 2 volumes, containing the full history of each case.
(4) Minutes of the meetings of the board. These are very elaborate, and contain full memoranda of all cases appearing before the board, and copies of all orders issued by the board.
(5) Newspaper clippings, which relate to cases in question, and which are preserved in annual indexed scrapbooks.
(6) Card catalogue showing record of cases on parole.

23. BOARD OF ARBITRATION.

On March 31, 1897, the State board of arbitration was created for the peaceable settlement of strikes. But two of its annual reports to the governor have been found, namely, those for 1898 and 1902. Copies of its decisions are by law filed with the secretary of state.

24. BOARD OF HEALTH.

Although the Colorado board of health had been in existence since the territorial period, its active work and archives date from January, 1900. By the act of March 22, 1877, the Territorial board was adopted by the first assembly of the State. As thus continued, the board consisted of nine members and a salaried secretary, whose duties were to preserve its records. Local health physicians, boards of health, and the physicians of State institutions were commanded to report annually to the State board.

At present, however, the office of the State board contains no records previous to 1899, and few before 1900. At this time the assembly enlarged the clerical force and made possible the preservation of certain classes of records.

The record of contagious diseases is now in its second volume; that of typhoid fever is still in its first. The death certificates have been preserved since January 1, 1900. For the first year they are classified by date; for the subsequent period by place and date. There is no index of names. There is no record of births or of tubercular diseases.

The current correspondence of the board is well kept, and the present policy of the office seems to be as farsighted as its appropriation will allow.

Six volumes of reports of the board have been printed: Volume I, 1876; II, 1877; III, 1879–80; IV, 1892, 1893, 1894; V, 1894–1900; VI, 1900–2. The office of the board has no knowledge as to reports in the years in which nothing was printed.

A monthly sanitary bulletin and frequent circulars of instruction are issued by the board.

25. BOARD OF STOCK INSPECTION COMMISSIONERS.

By act of February 6, 1879, an appointive board of inspection commissioners of three members was created. Its function was to watch the brands and prevent the exportation of stolen cattle. Its number was increased to five by act of February 8, 1881, and to nine by act of April 2, 1885.

The position of State veterinary surgeon was created March 23, 1885; and by another act of the same day the State veterinary sanitary board of three members, including the surgeon, was established. The duty of this board was to look after the health of cattle imported into the State.

These two boards were consolidated by act of April 6, 1903, in the new State board of stock inspection commissioners of nine members. The archives of the earlier boards, so far as they exist, are to be found in the new office in the capitol.

Generally the biennial reports of the veterinary sanitary board and the veterinary surgeon have been printed together. This was done for the years 1886, 1887–8, 1893–4, 1895–6, 1897–8, 1899–1900, 1901–2. In 1890 the board's report was printed alone. Frequent bulletins have been printed by both the boards.

The manuscript archives of the old board were not well preserved. Some of the letter books and files are known to

exist. There are some fifteen large folio volumes of reports of cattle inspectors, which seem to contain the complete series. The reports of the inspectors for the veterinary sanitary board have also been preserved, but they have not been bound.

26. STATE BOARD OF AGRICULTURE.

The State board of agriculture was established by act of February 27, 1877. Its principal functions have been to conduct an agricultural college (*see* post) and an agricultural experiment station. It reports annually to the governor of the State, the first report being for 1877, the twenty-fourth for 1902. The third and fourth reports were biennial, for 1879–80 and 1881–82.

The reports of the board of agriculture often include those of the experiment station and the agricultural college. Up to its eighth annual report for 1895 the experiment station published independent annual reports, but the eighth report of this year was joined to the seventeenth report of the State board. And since 1895 the practice has been irregular. At least in 1898 and 1902 the reports were joined.

The bulletins of the experiment station published by the State board of agriculture are many in number.

27. BOARD OF HORTICULTURE.

The State board of horticulture, created by act of April 5, 1893, is the successor of an organization that has lived since 1882 under the various names State horticultural society, State bureau of horticulture, and Colorado state horticultural and forestry association.

This board has at various times printed or prepared some 14 reports:

First	1882, 1883–84	Eighth	Not printed.
Second	1885	Ninth	1897
Third	1886	Tenth	1898
Fourth	1887–88	Eleventh	1899
Fifth	1889–90	Twelfth	1900
Sixth	1891–92	Thirteenth	1901
Seventh	1893–94	Fourteenth	1902

The archives of the board include the annual reports of the county inspectors, which show in tabulated form acreage,

yield, price, and varieties of fruit raised in the State. The correspondence is preserved. Numerous bulletins are issued bearing upon fruit culture and the extermination of insects.

28. BOARD OF VETERINARY SURGEONS.

The practice of veterinary surgery in the State of Colorado was not regulated by law until the act of April 11, 1903, created the board of veterinary surgeons. This board of three, including the State veterinary surgeon, is required to examine and accredit veterinary surgeons. No archives have as yet been accumulated. No report is required by law, but it is probable that biennial reports will be made to the governor.

29. BOARD OF MEDICAL EXAMINERS.—30. BOARD OF PHARMACY.—31. BOARD OF DENTAL EXAMINERS.—32. BOARD OF HORSESHOERS' EXAMINERS.

These four examining boards have been created by acts of 1885, 1887, 1889, and 1897, respectively. In the case of the one last mentioned, the board of horseshoers' examiners, the statute calls for a biennial report to the governor. But the only printed reports that have been found among the four boards are those of the dental examiners for 1889–90 and 1901–2. No other records of the boards have been found.

33. BOARD OF COMMISSIONERS FOR UNIFORMITY OF LEGISLATION.

A board of three commissioners for the promotion of uniformity of legislation in the United States has existed since 1895. The commissioners serve without compensation, and have printed one report (1902) to the governor of the State.

34. BOARD OF CAPITOL MANAGERS.

An act of February 11, 1883, erected a board of managers of the capitol building, of seven members, whose function was to build and care for the capitol of the State. This board has published ten biennial reports to the governor, from 1883–84 to 1901–2.

35. BOARD OF WORLD'S FAIR MANAGERS.

The exhibit of Colorado at the World's Columbian Exposition of 1893 was directed by the board of World's Fair managers, which published in 1893 a pamphlet on the Resources and Industrial Development of Colorado.

VI. Commissioners, Inspectors, etc.

36. INSPECTOR OF (COAL) MINES.

The position of inspector of mines was created by act of February 24, 1884, to take charge of coal mining in a fashion similar to that in which the inspector of metalliferous mines already treated the other mines of the State. He was required to file a biennial report in the office of the secretary of State, and the secretary was, by act of April 2, 1887, ordered to print the same.

The earliest report of the inspector was an annual for 1884. Since that year nine biennial reports have been printed. There is a large public demand for these reports, which the State does not seem ready to fill, for only 250 copies were printed of the report for 1901–02, while more than 500 applications for the report have been refused to date (October 24, 1903).

The manuscript archives of the office, besides the files and letter books, consist of (1) monthly reports of coal mines, (2) annual maps of mines, (3) annual reports of mines, (4) record book for fatal accidents in mines, (5) record book for nonfatal accidents in mines. The various reports and maps are already of great bulk and are unbound. Many of them are stored in labeled boxes in the basement vaults of the capitol.

37. VETERINARY SURGEON.

This office was created by act of March 23, 1885. The surgeon is required to make inspection of diseases of cattle, to publish bulletins on the subject, and to report to the veterinary sanitary board. (*See* board of stock inspection commissioners.)

No manuscript archives of the office appear to exist beyond two or three unvalued letter books. The biennial reports of the surgeon have occasionally been printed in connection with those of the board of inspection commissioners. This was done in 1886, 1888, 1894, 1896, 1898, 1900, 1902.

38. STATE ENGINEER.

The office of State engineer was created by act of March 30, 1889, which repealed an act of March 5, 1881, establishing a somewhat similar office of State hydraulic engineer.

Biennial reports have been printed since 1881–82, so that there are now eleven in all.

The State engineer has charge of the irrigation system of the State. The reports of his district engineers and water commissioners form a considerable part of the archives of his office. Beginning with 1903, maps and statements of every new ditch or reservoir are filed with him.

The engineer also has oversight of public buildings and works erected by the State. The records of various surveys and reports made in this connection are preserved in his office.

39. INSPECTOR OF STEAM BOILERS.

The position of inspector of steam boilers was created by act of April 1, 1889. It has been impossible to get access to the office of the inspector, but the following of his reports have been found: First and second annual, 1889–90; biennial, 1893–94; seventh and eighth annual, 1895–96; ninth and tenth annual, 1897–98.

40. DAIRY COMMISSIONER.

The office of State dairy commissioner was created by act of April 6, 1885, and abolished March 9, 1891; reestablished April 12, 1893, and modified April 1, 1895. The reports of this officer, which have reference principally to the enforcement of the oleomargarine laws, have been published and preserved irregularly. The following reports have been found: 1885–86; 1888; 1889–90; 1894; 1895–96; ninth, 1899; tenth, 1900; eleventh, 1901; twelfth, 1902.

The archives of the office consist of some little correspondence and records of cases prosecuted by the commission.

41. COMMISSIONER OF PRINTING.

The assembly of 1903 established the office of commissioner of printing. The first biennial report for this office will be in 1903–4.

42. STATE GEOLOGIST.

The office of State geologist has existed since its establishment by the Territorial legislature in 1872. As no compensation has ever been connected with it, and as no quarters have been assigned to it, its work has been irregular. The present incumbent has no knowledge of any archives of the office previous to his incumbency. And there is no reason for believing that his correspondence will be turned over to his successor.

A few of the required biennial reports of the State geologist have been printed—1879–80, 1881–82, 1883–84, 1889–90. It is not known whether this list is complete or whether manuscript reports were made in the missing years, but printed reports exist for the years mentioned.

43. RAILROAD COMMISSIONER.

The office of railroad commissioner existed from 1885 to 1893. An annual report was published in 1885 and a "second biennial" in 1891–92. No other publications have been found.

VII. STATE INSTITUTIONS.

44. AGRICULTURAL COLLEGE.

The agricultural college at Fort Collins was adopted by Article VIII, section 5, of the State constitution. By the acts of February 27, 1877, and March 9, 1877, it was placed under the management of the State board of agriculture, of eight members, appointed by the governor.

Until 1880 biennial reports, required by law, were made to the governor in conjunction with the annual reports of the board of agriculture. The first biennial report of the agricultural college to the superintendent of public instruction was for the years 1880–1882. Since this time the reports have been made regularly and printed separately, or in those of the superintendent, or both. The eleventh biennial report covers the years 1900–1902.

Many valuable bulletins on agriculture have been issued by the college and the State board. Since 1901 the special publications of the college, including the catalogues, have been systematized in a series of numbered bulletins.

45. SCHOOL OF MINES.

The School of Mines, located at Golden, is adopted in Article VIII of the State constitution. It has consolidated its regular publications in a semiannual series of bulletins since 1901. Its biennial reports have been published sometimes with those of the superintendent of public instruction, sometimes separately, sometimes in both ways. At times the school has declined to report to the superintendent, on the ground that its separate report was sufficient. The reports are as follows:

1878–1880, to the governor.
1880–1882, to the superintendent.
1882–1884, to the governor.
1884–1886, to the superintendent.
1886–1888, to the governor.
1888–1890, same.
1890–1892, same, but reprinted by the superintendent.
1892–1894, to the governor.
1894–1896, same.
1896–1898, same.
1898–1900, to the superintendent (two pages only).
1900–1902, to the superintendent.

There have also been annual reports in 1885, 1887, and 1889.

46. NORMAL SCHOOL.

The State Normal School at Greeley was erected under act of April 1, 1889. Its biennial reports, though wrongly numbered, have appeared regularly in the report of the superintendent of public instruction, beginning in 1888–1890. Its publications, since 1901 have been systematized as State Normal School Bulletins, appearing quarterly.

47. STATE UNIVERSITY.

The State University at Boulder was adopted by the constitution and placed under a board of 6 regents by act of March 15, 1877. Its 13 biennial reports have been published regularly in the report of the superintendent of public instruction. Besides its occasional publications it issues 2 regular series: the University of Colorado Studies, which now have reached Volume I, No. 4, and the Investigations of the Department of Psychology and Education, which have also reached Volume I, No. 4.

48. STATE LIBRARY.

By the constitution the superintendent of public instruction is ex officio librarian of the State of Colorado. The collection of books was commenced under the Territorial government, and has continued slowly ever since. Since 1893 the legislature has provided for an assistant State librarian who conducts the library and reports to the ex officio librarian.

The assistant is appointed by the superintendent of public instruction, who is chosen by popular vote. Until 1900 the appointment seems to have been made on political grounds. The present assistant, Mrs. Mary F. Miller is now serving in her second term, and is giving as much life to the library as her tireless efforts and a meager appropriation can produce. She is doing a particularly valuable work in the collection of public documents of the State, of which there is no complete set in existence.

The biennial report of the librarian has been regularly printed in the report of the superintendent of public instruction.

49. STATE HISTORICAL AND NATURAL HISTORY SOCIETY.

Under a special act of February 13, 1879, the State Historical and Natural History Society was incorporated on July 11, 1879. In 1895 the collections of the society were placed in rooms in the capitol. The title to them, by law, vests in the State. The society has published only a few brief reports, notably for 1889 and 1889–90. Its collections, however, are of great historical value.

50. HOME FOR DEPENDENT AND NEGLECTED CHILDREN.

A State Home for Dependent and Neglected Children has existed since its establishment by act of April 10, 1895. It prints an annual report in the report of the board of charities and corrections, and has issued four biennial reports to the governor. The first of these is for 1895–96; the fourth, 1901–2.

51. MUTE AND BLIND INSTITUTE.

The Institute for the Education of the Mute existed at Colorado Springs before the adoption of the State constitution, by

which it is accepted as a State institution. By the act of March 15, 1877, it was required to report annually to the governor. The report for 1876 was transmitted to the legislature with the message of the governor. Between 1876 and 1880 no reports have been found. In the years 1881–82 its report appears in that of the superintendent of public instruction, and this officer has regularly published its report since 1882. The reports have been biennial since this time and have been numbered in an erratic fashion. That for 1889–90 is No. 9, and after an intervening report No. 10 is for 1893–94.

52. SOLDIERS AND SAILORS' HOME.

The Soldiers and Sailors' Home, erected under act of March 15, 1889, has not printed the annual report to the governor, required by law, with regularity. The following reports have been found:

1892, biennial.	1898, annual.
1894, annual.	1901, annual.
1896, annual.	1902, annual.

Brief reports on the Home are to be found in the reports of the board of charities and correction.

53. INSANE ASYLUM.

The Colorado insane asylum was erected under act of February 8, 1879. The board of three commissioners created at this time became, in 1889, the State board of lunacy commissioners, and in 1899 the board of lunacy commissioners of the Colorado State Insane Asylum.

The first report of the board, for 1880, was annual. Since 1880 it has printed regularly a biennial report, the twelfth being for 1901–2.

54. INDUSTRIAL SCHOOL.

Under act of February 12, 1881, the State Industrial School (for boys) was established at Golden. Its statutory biennial report to the superintendent of public instruction has been printed regularly. The first report is for 1881–2; the eleventh for 1901–2.

55. HOME AND INDUSTRIAL SCHOOL FOR GIRLS.

The State Home and Industrial School for Girls was founded by an act of April 4, 1887. It is located at Denver, and makes a biennial report to the legislature.

Two of the biennial reports seem to have been printed separately, those for the first and fourth biennial periods (1895–96 and 1901–2), after the opening of the home, which was on October 1, 1895. Reports have been published in the reports of the superintendent of public instruction for 1895–96, 1897–98, and 1899–1900.

56. REFORMATORY.

The Colorado State Reformatory was authorized, under the direction of the board of penitentiary commissioners, by act of April 19, 1889. Published reports, besides those in the report of the board of charities and correction, have been found as follows:

I. Biennial, 1890.
II. Annual, 1892.
Biennial, 1894–1896.
Biennial, 1896–1898.

57. PENITENITIARY.

The penitentiary, founded at Canyon City during Territorial days, was adopted by the State government and regulated by act of March 15, 1877. The governing board of three penitentiary commissioners has published annual reports for 1877 and 1878, and biennial reports regularly since that time, with the exception of the report for 1892–1894, which was not printed.

THE PUBLIC ARCHIVES OF GEORGIA.

By Ulrich Bonnell Phillips, Ph. D.

STATE ARCHIVES.

The archives of Georgia, now preserved in the State capitol, comprise one of the most valuable collections of unexploited official documents now to be found in America. From its first stage as a feeble and impracticable experiment, through the period of the royal government, the Revolution, the Yazoo sale, the Indian contest, the heat of political struggles, the disasters of the civil war and reconstruction, to the modern period of renewed prosperity, Georgia and its people have been always interesting, often typical of the South, and at times strikingly illustrative of the genius of the American people as a whole. Light upon nearly every part and phase of Georgia history can be had from this mass of papers, and properly supplemented with the other sources an excellent understanding could be secured from them of many conditions and developments in American history which have not yet received final treatment.

Previous to the beginning of the nineteenth century, when the State experienced a rapid growth as a result of the invention of the cotton gin and the spread of the plantation system and prosperity into the uplands, Georgia was very insignificant among the American Commonwealths. Its government was rather a local administration for the Savannah neighborhood than a government for a well-organized province or State. We find, accordingly, in the provincial and State archives up to 1790, or later, many records of a kind which in subsequent times were made and preserved in the county and municipal offices. This makes it possible to get a fairly com-

plete view of eighteenth century conditions in Georgia from the records in the capital alone. For the nineteenth century requisition must be made upon the local archives in the various quarters of the State to supplement the material in Atlanta.

During the colonial period the seat of government in Georgia was at Savannah. Part of the records of the colony were kept at that place and part in London. At the outbreak of the Revolution in the far South, the British governor fled from Georgia, destroying the great seal and carrying away more or less of the documentary material. Soon afterwards the British army landed on the Georgia coast and the rebel government removed inland to Augusta, after hauling away the records from the threatened town of Savannah. The British advanced through Savannah toward Augusta, and the Georgia government fled into the wilderness, but sent some of the documents as far away as Maryland for safe-keeping. After the flight from Savannah the capital of Georgia was usually located at Augusta, until 1799; then it was at Louisville, in Jefferson County, until 1807; at Milledgeville, from 1807 to 1868, and has been at Atlanta since the latter date. As a result of these numerous removals, and of the destructive work of Sherman's troops in Milledgeville in 1864, sad havoc has been done among the loose documents in the archives, and a certain amount of damage has befallen even the bound material.

But in spite of these vicissitudes a large quantity of material has been preserved. In many cases where the original documents have disappeared their substance and even their form have been preserved in the volumes of record into which they were transcribed. The sets of record volumes, in fact, are fairly complete, and since this is the case the loss of the loose papers is in many cases unimportant. Perhaps the most serious loss has been that of the letters to the governors prior to about 1840, which were never transcribed and of course can not be restored.

The records of Georgia in London were once copied at the expense of the State, in accordance with an act of the legislature in 1837, but the set of volumes was loaned to Professor Scomp, of Oxford, Ga., about 1887, for use in the preparation of his book "King Alcohol in the Realm of King Cotton," and

most of them were destroyed when his residence was burned. New copies are now being made by order of the State, and portions of them will probably be published by the official compiler of records. The whole set of copies of the British documents, however, have already been utilized by Bishop Stevens and Colonel Jones in their histories of Georgia, and accordingly the new transcriptions from London will not be nearly so valuable for original research as the material already in the document rooms in Atlanta. Some of the British documents have already been printed in the unfortunately limited "Wormsloe Quartos."[a]

The present arrangement of the archives in the capitol is to a large degree haphazard. Except in the case of the land records in the department of state, little system is to be discovered anywhere among the more important collections. It must be said, however, that the present writer has had to confine his investigation to the documents in the department of state and the executive department, and has left the records of the supreme court, the attorney-general, the adjutant-general, the comptroller-general, the railroad commission, the school commissioner, etc., for some future report to the association. The Congressional Library at Washington possesses several MS. volumes of material upon the Georgia archives, acquired among the Peter Force papers. This fact has come to light since the present report has been in press. It is hoped to make use of this material for a future amplified report to the American Historical Association. The volumes were written, it seems, at the order of Peter Force about 1840. They comprise (1) an annotated list of the documents found in the Georgia Department of State in 1840, (2) a similar list of documents from the British State Paper Office and the British Museum relating to Georgia, (3) a similar list of documents from the British Board of Trade, (4) copies in full of the proclamations of the Governors of Georgia from 1754 to 1778, and (5) copies of the acts of the Georgia Assembly, 1755 to 1789.

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[a] Acts passed by the General Assembly of the Colony of Georgia, 1755–74. Wormsloe, 1881. Edition limited to 49 copies. Journal of the Transactions of the Trustees for establishing the Colony of Georgia in America. By John Perceval, 1st Earl of Egmont. Wormsloe, 1886. Edition of 49 copies. Most of these copies are now distributed among the most important libraries of America, though there are several duplicate copies of each in the State Library in Atlanta.

A critical bibliography for the history of Georgia in the colonial period, prepared by Col. C. C. Jones, is published in Justice Winsor's Narrative and Critical History of America, volume 5, pages 392 to 406. A short critical bibliography of printed Georgia documents, histories, etc., for the period between the Revolution and the Civil War may be found on pages 211 to 220 of Phillips' Georgia and State Rights, published in the report of the American Historical Association for 1901, volume 1. The following books have appeared since that bibliography was printed:

Thomas Gamble, jr. (compiler). A History of the City Government of Savannah, Ga., from 1790 to 1901.

A very valuable condensation from the archives of Savannah. Often throws light on economic and social conditions in other parts of Georgia.

Kate Haynes Fort (editor). The Fort and Fannin Families. Chattanooga, Tenn., 1903.

Gives a faithful and interesting picture of family life in Middle Georgia from the beginning to the end of the nineteenth century.

The present report is devoted to a portion of the manuscript archives of the State.

1. Records in the Department of State, Atlanta.

A. RECORDS FROM GREAT BRITAIN.

"Transactions of the Trustees of Georgia. Vol. 2d."

"Transactions of the Trustees of Georgia from 9th June, 1741 to the 9 June 1742." (Continued to May 24, 1744.)

These two vellum-bound volumes, reputed to be in the handwriting of the Earl of Egmont, contain the original MS. records of the meetings of the trustees of Georgia, held in London, weekly or oftener, between June 14, 1738, and May 24, 1744. These records have been printed in a limited edition of 49 copies (Wormsloe, 1886). They will probably soon be reprinted by the State of Georgia. The record of transactions of the trustees have been lost except for the period covered by these two volumes.

"The General Account of all Monies and Effects received and expended by the Trustees for establishing the Colony of Georgia in America. For the carrying on the good purposes of their trust for one whole year from the ninth day of June in the year of our Lord 1732 (the date of his Majesty's royal charter incorporating the said trustees) to the ninth day of June in the year of our Lord 1733. Exhibited by the said corporation, pursuant to the directions of their charter, to the Right Honorable Peter Lord King Baron of Ockham Lord High Chancellor of Great Britain and Sr. Robert Eyre Knight, Lord Chief Justice of his Majesty's Court of Common Pleas." (Continued to June 9, 1752.)

This manuscript, beautifully engrossed and bound in vellum, contains a complete record of the finances of the Georgia trustees throughout the lifetime of the board, June 9, 1732, to June 9, 1752. The record for 1732–33 is contained in the first 18 pages. On page 19 the title page is repeated for the year 1733-34, again on page 57 for the year 1734–35, etc., etc. The record for the twenty years fills 302 pages. These yearly financial statements of the trustees were printed in fugitive pamphlets, 1733, 1734, 1739, etc. The early publication of the whole record is promised by the compiler of records of the State of Georgia.

"Colonial Documents from the Board of Trade. 1747. vol. 3."

"Colonial Documents from the Board of Trade. 1757 to 1759. vol. 8."

"Colonial Documents from the King's Library, British museum, London."

These three documents are the remnant of the great set of transcripts, in 22 volumes, made by Mr. Howard, in London, at the direction and expense of the government of Georgia. All of the other volumes it appears were destroyed by fire about 1890. Copies of other British records relating to Georgia are now being made for publication by the State.

The volumes of documents from the King's library, above cited, contains an anonymous description of the province, circ., 1771, as well as several reports and letters of Sir James Wright, and records of fees in the colony.

B. RECORDS OF THE GOVERNMENT IN GEORGIA.

The colonial government and the government in the early period of statehood performed many of the functions which in the nineteenth century have been performed by the county officers. The volumes of record are numbered in some obscure system with letters of the alphabet, as indicated below. The classification has sometimes been ignored by the recording officers.

The volumes of record are as follows:

A. Record of wills, 1754 to 1770.

B. Record of wills, 1771 to 1779.

These volumes contain the official copies of wills registered in the colonial period. The original documents have disappeared. Volume B has been mutilated by the cutting out of pages, possibly blank, at the back.

F. Inventory of appraisement, 1755 to 1770.

Contains, on pages 505 to 529, a "Catalogue of the books in the library of the Georgia Orphan House Bethesda Academy. January 1, 1771." The library is appraised at £265 10s 2d.

FF. Inventory of appraisement, 1776 and 1777.

D. Inventory of appraisement, 1777 and 1778.

D. Letters testamentary and warrants of appraisement, 1755 to 1775.

Z. Administration, 1771 to 1775.

G. Administration, 1777 and 1778.

E. Mortgages, 1755 to 1763.
G. Mortgages, 1762 to 1765.
Q. Mortgages, 1765 to 1770.
EE. Mortgages, 1776 to 1805.
I. Bonds, bills of sale, deeds of gift, and powers of attorney, 1755 to 1762.
O. Bills of sale and deeds of gift, 1761 to 1765.
R. Bonds, bills of sale, deeds of gift, and powers of attorney, 1765 to 1772.
Y. Bills of sale and deeds of gift, 1772 to 1775.

This volume contains, on page 5, a copy of a certificate signed by James Habersham, president of the province, to the effect that by affidavit Stephen Deaux, commander of the snow *Brittannia*, declares Finda Lawrence to be a free black woman, formerly a considerable trader on the river Gambia in Africa, and now come with the purpose of remaining some time in the Province of Georgia. At the request of Deaux, Hebersham issues this certificate securing to the woman the privileges of a free person.

Beginning on page 511 of the same volume is an inventory of the slaves, rice, and stock on the plantations of Sir James Wright, January 8, 1771. Of the eleven plantations, three are stated to be near Savannah and eight on the Ogeechee and Canoochee rivers. The number of slaves on the several plantations is given as follows:

	Men.	Women.	Boys.	Girls.	Total.
1	19	20	7	6	52
2	20	28	8	7	63
3	13	13	4	3	33
4	30	24	12	6	72
5	16	16	5	1	38
6	18	17	7	2	44
7	19	18	9	1	47
8	20	15	4	1	40
9	22	16	5	0	43
10	22	14	5	6	47
11	22	15	6	1	44
Total					523

This table adds further light to the statement in Carroll's Historical Collections of South Carolina, II, 202, referring to the size of South Carolina rice plantations: "They reckon thirty slaves a proper number for a rice plantation to be tended with one overseer."

[Deeds, bonds, bills of sale, mortgages, leases, wills, and powers of attorney, recorded in the secretary's office of the State of Georgia, August 25, 1780, to December 13, 1781.]

This volume is now among the executive department of archives, but of course it should be in the state department. Pages 1 to 21 and

498 and following are missing. On page 236 is this characteristic document:

"This is to satisfy to whom it may concern That this Black Man Mr. Moses Handlen is Free Man leaft by his Master Mr. Champernown Handlen, deceased in the year of our Lord 1760. This very black Moses Handlen is a very onnis Black man I knowed him from a Boy. Witness my hand.

"GEORGE SMITH &c.

"Witnessed of we three Persons on the 24th January 1761 in South Carolina.

"HENRY FUTHY,
"WILLIAM DAVIDSON,
"GEORGE DAYS JUNER.

"Examined the foregoing and found the same to be an Exact Copy of the Original.

"SECY'S OFF. *13 June 1781.*

"GEO. D'ERBAGE, *Dep. Sec.*"

Beginning on page 286 is a schedule of the lands, houses, and slaves of John Graham, lieutenant-governor, 1781, which illustrates the style of living of the few wealthy men in early Georgia. A list is given of tracts of land ranging mostly between 300 and 2,000 acres each, and aggregating 26,578½ acres. On the "Monteith Plantation" of 6,000 acres, it is stated, that there were 77 slaves, of which 36 were men. Among these are listed 1 driver (i. e. foreman), 2 carters, 2 boatmen, 4 sawyers, 2 carpenters, and 1 cooper. Among the 27 women 1 was a washerwoman and 1 a cook to the overseer. On the "Mulberry Grove Plantation," of 1,274 acres, there were 80 negroes, of which 43 were men, 22 women, 8 boys, and 7 girls. On the "New Settlement," 71 slaves were employed. Finally a list is given of 30 "negroes usually employed and kept about the house." Of these Nero is listed as a coachman; Will Cruz, a cook; Donald, a steward; Strap, a hair dresser; Bob, a groom; George, a tailor; Scrub and Harry, waiting boys; Alyema, a cook; Chuffee and Phoebe, children's women; Maria, Leah, and Jeanne, washerwomen; Penny, a cook; Phyllis, a midwife; Rose and Hannah, house wenches.

C_3. Bills of sale and deeds of gift, 1783 to 1792.
D_3. Bonds, bills of sale and deeds of gift, 1792 to 1804.
DD. Conveyances, 1775 to 1798.
HH. Conveyances, 1777 to 1805.
Conveyances, 1779 to 1880.
U. Entry of claims, circ. 1753 to circ. 1757.
L. Schedule of land grants, 1755 to 1769.
Y_3. Marks and brands, 1755 to 1793.
A. Auditor's office, 1756 to 1772.
B. Auditor's office, 1772 to 1775.
H. Proclamations, 1754 to 1882.
HH. Proclamations, 1782 to 1805.

Legislative journals.

Journal of the house of representatives, 1781, 1782–83, 1783–84, 1784, 1785–86, 1787–88, 1789–90, 1795, 1796–97, 1800, 1803–4, 1806, 1807–8, 1808–9, 1812, 1814–15, 1818, 1819, 1822–23, 1823, 1824–25, 1825, 1827, 1828 (2 vols.), 1833–34, 1838, 1853, 1853–54, 1858, 1860, etc.

From 1804, or earlier, the house journals were printed after each session. The State library in Atlanta contains the printed journals of the house for the sessions in the years 1805 to 1818, 1820, 1822 to 1824, 1826, 1829 to 1832, 1834, 1839, 1843, and 1859 to the present. The volumes missing in this set can be found in several of the leading libraries in America. The journals from 1805 to 1820 are in quarto volumes. Those from 1820 to the present are octavo. From 1849 to 1856 the legislative sessions were biennial, and the journals in that period cover two years each.[a]

Journals of the senate, 1790-91, 1791–92, 1803, 1804–5, 1810, 1813, 1820–21, 1823, 1830, 1855–56, 1857 (2 vols.), 1858, 1859, 1860, etc.

Beginning in 1804, or earlier, the senate journals were printed after each session. The volumes are quarto to 1820, and octavo thereafter. The Georgia State library contains the printed journals for 1804, 1805, 1808 to 1816, 1818, 1820 to 1823, 1826, 1827, 1829 to the present, with perhaps a few volumes missing in the series after 1835.[a]

(For the dates of the sessions betweeen 1781 and 1800, see the report by Charles McCarthy in the Report of the American Historical Association for 1897, pp. 451–452).

Acts of the general assembly.

Acts of the general assembly of Georgia, 1764 to 1778, 1778 to 1786, 1786 to 1789, 1789 to 1796, 1796 to 1798, 1799 to 1804, 1804 to 1806, 1807 to 1808, 1809 to 1810, 1811 to 1813, 1814 to 1818, 1819.

These are not the original papers, but are transcriptions in substantial volumes of record for the years as indicated.

Acts of the general assembly, 1810 to 1819.

This is a MS. compilation of the acts passed between 1810 and 1819.

[a] An apparently complete set of the Georgia House and Senate Journals and the Session Laws of the Georgia Legislature has been collected by Mr. Salem Dutcher and is now owned by Richmond County and preserved in the office of its ordinary, in the city of Augusta. If complete, that collection is probably the only complete one in existence.

Georgia Laws, 1800–1801, 1802, 1803, 1804, etc., to 1847 (1 volume for each year), 1849–50 (5 vols.), 1851–52 (4 vols.), 1853–54 (4 vols.), 1855–56 (6 vols.), 1857 (3 vols.), 1858 (2 vols.), 1859 (4 vols.), 1861 (2 vols.), 1862, 1863 (2 vols.), 1855–56 (3 vols.), 1866 (3 vols.), 1868 (2 vols.), 1869 (2 vols.), 1870 (5 vols.), 1871 (3 vols.), 1872 (8 vols.), 1873 (4 vols.), 1874 (8 vols.), 1875 (4 vols.), 1876 (5 vols.), 1877 (6 vols.), 1879 (6 vols.), 1880–81 (6 vols.), 1883 (7 vols.), 1884 (4 vols.), 1885 (8 vols.), 1886 (4 vols.), 1887 (8 vols.), 1888 (3 vols.), 1889 (13 vols.), 1890–91 (14 vols.).

These are bound volumes of the original engrossed acts, with the signatures of the speaker, the president of the senate, and the governor, in autograph. After 1847 the engrossing was done in a much larger hand and upon heavier paper. Hence the increase in the number of volumes for the subsequent years.

The acts of the general assembly were printed from about 1800 (in octavo) after the end of each session. The Georgia State library contains the volumes of these session laws for the years 1800 to 1810, 1819 to 1826, 1829, 1831, 1832, 1834 to 1839; 1841, 1842, 1843, 1845, 1847, 1849–50, 1851–52, 1853–54, 1855–56, 1857 to 1863, and scattering volumes from 1865 to the present.

For compilations, digests, and codes of the laws of Georgia, see the bibliography appended to U. B. Phillips, Georgia and State Rights, in the Report of the American Historical Association for 1901, pp. 215–216.

Commissions and charters.

Register of commissions of justices of the peace, 1799 to 1867. In 19 volumes.

Register of commissions of justices of the inferior court, 1799 to 1865. In 7 volumes.

Register of commissions of county officers, 1799 to 1864. In 8 volumes.

Register of military commissions, 1800 to 1838. In 8 volumes.

Commissions of county officers, notaries public, and justices of the peace, 1865 to the present. In scattering volumes.

Register of commissions of members of Congress, solicitors-general, etc., in recent years.

Register of charters to railways, navigation companies, insurance, telegraph, express, and trust companies, etc., in recent years.

Land records.

The land records comprise (*a*) the original documents preserved in a thousand or more pigeon-hole boxes; (*b*) books of record, of which there are several hundred volumes grouped under the names of the counties into which the territory of the State was originally laid out; and (*c*) large MS. county maps, of which one set is kept in the Department of State, and another set, of earlier dates, is to be found in the basement of the Capitol. The documents are mainly of two general classes: (1) certificates of the grant of head rights and land lots, and (2) reports and plats made by the surveyors.

Among the landmarks used in denoting the general neighborhood of particular head-right surveys in the district south of the Altamaha during the colonial period there is occasional mention of "cow pens," or ranches—to use the modern word. This indicates that in early southeastern Georgia, as in early upland South Carolina, cattle raising was an important industry. The caravans of the Indian traders occasionally threaded the paths through the great pine forests of this region; but there was little or no game to be found in the pine woods, and there were no professional hunters among its population.

Miscellaneous original documents.

There is a considerable number of original reports, letters, etc., tied in labeled packages and stacked upon four shelves in the main archives room of the State Department. They are among the most valuable of all the archives. They are roughly classified as follows:

Indian affairs, 1793 to 1835.

Foreign affairs, 1785 to 1807.

Correspondence of the governor of Georgia concerning relations with the French and Spanish at Natchez and St. Augustine concerning desperadoes on the Florida boundary, etc.

Documents relating to the Florida boundary.

Documents relating to the South Carolina boundary.

Navigation of the Savannah River.

Internal improvements, 1825.

Towns in Georgia, 1801 to 1821.

Towns in Georgia, 1823 to 1832. Sale of lots in Macon.

2. Records in the Executive Department, Atlanta.

[Journal of the proceedings of the executive department, January 14, 1778, to January 4, 1783; January 8, 1789, to May 4, 1789; November 12, 1789, to May 8, 1790; May 9, 1790, to December 16, 1790; December 17, 1790, to November 9, 1791; November 10, 1791, to November 5, 1792.]

These volumes are now among the archives of the department of state. They belong, of course, to the executive department.

Minutes of the Executive Department November, 1793, to January, 1806, in 9 volumes; September, 1806, to September, 1810, in 3 volumes; January, 1811, to November, 1817, in 4 volumes; November, 1819, to February, 1821; September, 1822, to the present, except from September 21, 1883, to January 1, 1886—in 25 volumes.

These records have to do with the routine work of the State administration. Jottings are made in them of letters, reports, and petitions received, of proclamations, messages, warrants, pardons, rendition papers, and letters issued, etc. The great mass of this material is dry-as-dust, but there are interesting items in the periods of the war of 1812, the administration of Governor Troup, and the Cherokee controversy. The governors' messages, here given usually in full, are valuable.

Minutes of the governor's council, May 17, 1762, to February 1, 1763; April 4 to December 6, 1764; February 7, 1869, to July 4, 1869; March 19, 1765, to December 12, 1766; July 2, 1771, to March 3, 1772; October 25, 1771, to February 22, 1772; April 21, 1772, to July 8, 1783; March 1 to August 18, 1773; January 19 to May 25, 1780; September 22 to October 8, 1784; October 26, 1784, to January 6, 1785; January 16 to February 11, 1786; December 16, 1788, to January 7, 1789; August 5 to August 12, 1789; August 4 to November 11, 1789; December 22, 1789, to January 14, 1790; January 15 to July 12, 1790; September 27 to October 18, 1790; February 7 to March 30, 1791; September 26 to November 5, 1791; October 23, 1790, to November 1, 1793, scattering; December 20, 1792, to January 9, 1793; November 29, 1793, to January 14, 1796; January 7 to March 23, 1795; December 10, 1795, to January 14, 1796; September 15, 1796, to January 14, 1797; January 8 to May 16, 1799; May 18 to August 7, 1799; October 23 to December 31, 1799, and other fragments.

These were called the "Rough Minutes." They are written in thin unbound volumes and were looked upon as merely temporary records. Each volume is indorsed "Recorded" on the title page; but the transcriptions have now disappeared. These "Rough Minutes" were discovered a few years ago in the cellar of the capitol by Mr. T. Cuyler Smith, of Atlanta, who has delved quite extensively as an antiquarian into the Georgia archives. The "Rough Minutes" contain appointments of justices of the peace, captains and "Gentlemen ensigns" of the militia, of tax collectors and receivers, etc., record of passports granted for travel into the Creek Nation, grants of land by head right, approvals of acts of the legislature, etc.

The "Rough Minutes," date of March 3, 1772, contain a list of the persons lately arrived in the province in the ship *Brittannia* from Ireland. The immigrants number 220, in 65 families, of which 20 consist of 1 person only. The number of children in a family ranges from 1 to "Isabella Irwin & Eight Daughters." Ten servants are included in the table, of which 5 belonged to James Black, who heads the list of immigrants.

Letter book of Governor Mathews, May 27 to October 14, 1794.

About 80 pages, unbound; contains letters relating to the projected expedition of Elijah Clarke and others against the Spanish power in the southwest, and relating to Clarke's unauthorized settlement upon Indian lands west of the Oconee River.

Rough letter book of the executive department, January 11 to May, 1799.

Letter book of the executive department, May 18, 1814, to October 30, 1829; October 22, 1825, to January 14, 1839; July 1, 1831, to February 5, 1833; February 5, 1833, to June 18, 1835; June 20, 1835, to December 28, 1840; January 1, 1841, to June 1, 1843; June 1, 1843, to January 1, 1847; January 1, 1847, to April 19, 1861; April 22, 1861, to May 9, 1865.

These volumes contain transcribed copies of the official letters written by the governors of Georgia. From 1865 to the present the letter books are scattering. Since 1865 they have been made by the copying press upon tissue paper. These are often blurred, and in general hard to use.

The letter books from 1821 to 1847 contain a good deal of valuable material upon internal improvements in Georgia, particularly after 1837 in regard to the Western and Atlantic Railroad.

The letter books 1833–1835 and 1847–1861 are in an overflow document room on the third floor of the capitol, in a mass of miscellaneous papers.

Record of governor's warrants and audited certificates, 1785 to 1802.

Record of executive warrants, 1844 to 1853.

Ledger of the State treasurer, 1793 to 1798.

Contains salary accounts mainly. No details are given.

State treasurer's ledger, 1842–43.

State treasurer's book, 1865–1867.

Book of receipts (vouchers), 1798 to 1804, 1806 to 1808, 1817 to 1828, 1832 to 1839, 1844–45, 1850–51.

Treasurer's office warrant book, 1847 to 1859.

Record of bonds of county officers, 1824 to 1848, and 1850 to 1853.

Book of oaths of office of various State officials, 1834 to 1870.

Record of head rights, alphabetical, 1854 to 1899.

Record of the drawing in the Gold Lottery, commenced January 11, 1833.

The discovery of gold in the Cherokee lands of northeastern Georgia in 1829 increased the popular demand, already strong, for the acquisition of the district by the State, and for its distribution among the people by the land lottery system which had been maintained in Georgia since 1803. Accordingly the land was surveyed into lots of 40 acres each, instead of 160 or 202½ acres, as was the usual custom, and was distributed by lottery. A record of these drawings has been printed: The Cherokee Land Lottery * * * a list of fortunate drawers * * * with a map of the district. By James F. Smith, N. Y., 1838.

Public-debt book: Record of the issue and canceling of State bonds, 1840 to 1877.

These bonds were those issued for the building of the Western and Atlantic Railroad, etc.

Military and executive orders, 1835 to 1840.

Record of petitions for pardon and action thereon, 1854–55.

Lists of the justices of the peace, 1799 to the present.

Lists of the justices of the inferior court, 1813 to 1865

Lists of military officers, 1810 to 1841, 1862 to 1865.

Lists of notaries public, 1872 to the present.

Military commissions, 1815 to 1818, 1820 to 1822, 1824–25, 1827 to 1834, 1836 to 1838, 1840 to 1858.

Record of sales of confiscated estates in Georgia, 1782–83.

Contains ledger accounts against individual purchasers. In the back of the volume there are records of the sales on given dates in given

counties. The sales are of lands almost exclusively. The prices obtained were very high, probably due to the depreciated currency. There is appended a "List of negroes paid to the Georgia State Legion * * * by the Commissioners of Confiscated Estates." Items in this list are: "Delivered to Capt. Jas. Stallings, 20 negroes," belonging to various confiscated estates, at an appraised value of £1,218. "Delivered to Lieut. Col. Jas. Jackson, 12 negroes," appraised at £565.

Statement by the comptroller-general, Eleazer Early, October 28, 1808, of the claims of citizens of Georgia for property plundered by the Creek Indians, 1777 to 1802.

These claims aggregated 136 negroes, 1,728 horses, 3,553 cattle, and other property of the total value of $280,127.28. The valuations put upon lost slaves range about $300 to $500.

Book of receipts of claims against the Creek Nation as allowed by the President of the United States under the treaty of Indian Spring, 1821. Money distributed by the governor of Georgia, 1823 to 1826.

This volume is in the overflow document room on the third floor of the capitol.

Commissary-general's office: Purchases and issues of subsistence to troops of the Georgia State line, December 31, 1863, to May, 1865.

Commissary purchases and issues to Georgia State troops, 1861 to 1863.

Returns of subsistence, forage, cooking utensils, etc., received and in charge of Col. Ira R. Foster, quartermaster-general of Georgia, January 26 to December 13, 1861.

Returns of the subsistence stores at the various posts and camps in the service of Georgia, September, 1861, to May, 1865.

Returns of subsistence, forage, etc., issued by the quartermaster-general of Georgia, May 27 to December 10, 1861.

Returns of arms, accouterments, clothing, caps, and garrison equipage issued by the quartermaster-general, May 27 to December 9, 1861.

Commissary-general's office: Accounts current, subsistence, December 5, 1861, to June, 1865.

Georgia commissary-general's cash account, November 14, 1861, to July 1, 1865.

Commissary-general's salt cash account, August 20, 1862, to July 1, 1865.

Salt book, vol. 1: Record of names.

Salt book, vol. 2: (*a*) List of widows of deceased soldiers, by counties. (*b*) Names of heads of families supplied with salt under the orders of Governor Brown, by counties, December 16, 1862, to September 26, 1864.

Salt book, vol. 3: List of heads of families supplied with salt Continued.

The great dearth of salt in the South during the civil war caused its price to advance to exorbitant figures. These records show the work of the State government in protecting the destitute families of soldiers from the hardships of the salt famine.

MISCELLANEOUS ORIGINAL DOCUMENTS.

Around the walls of the main document room of the executive department are tall cases of dust-proof pigeonholes containing original papers in large numbers, dating chiefly in the period since the close of reconstruction. These documents are fairly well arranged and distinctly labeled. They deal with the school fund, military fund, public buildings, lunatic asylum, insurance statements, justices of the peace, notaries public, applications, requisitions, pardons granted and refused, etc.

The original documents for the antebellum period, and for the civil war and reconstruction, are to be found chiefly in a small room on the third floor of the capitol used by the executive department as an overflow document room. These documents are in packages, some labeled and some not. From careless handling many of the documents have become displaced from the packages in which they belong. The packages are stacked along the walls in open shelves or bins, with just the faintest hint of classification. For practical research, the documents might almost as well be in a promiscuous heap upon the floor. The room has no attendant, and apparently is not visited as often as once a year. There are 160 of these bins full of papers, each bin about 3 feet long and a foot high. For the purpose of historical investigation many of these documents are among the most important in the capitol. Any present attempt at classification can be only of the roughest

kind. As suggestion, rather than classification, the following list is given:

Petitions, 1820 to 1870, 5 bins, say 100 packages.

Accounts, proclamations, pardons, poor school fund, vouchers, official bonds.

Banks and banking, 1816 to 1836. 3 packages.

Treasurer's certificates, 1809 to 1850.

Georgia State census returns, 1824 and 1831. 1 package.

The constitution of Georgia, 1798, required the taking of a State census every seventh year. These returns in 1824 and 1831 are fragmentary. While the returns for but few of the counties are to be found in any degree of completeness, the statistics of these few counties are of decided value, in that they give a view of slaveholdings and contribute to our knowledge of the economic and social conditions of the time. The United States censuses as published give no tables in counties before 1860, though in the compendium of the census of 1850 a table by States is to be found.[a]

The State census returns of 1827 for Taliaferro County contain the names of all heads of families, with the number of men, women, boys, and girls in the family, the number of slaves owned by the family and residing in the same militia district with their masters, and the number of free persons of color for whom the head of each family was acting as guardian. The following summary has been made from the MS. returns:

Total population of Taliaferro County, 4,464, of which 2,038 were whites, 2,394 slaves, and 32 free persons of color. The white population is grouped in 376 families, of which 269 held slaves and 107 were nonslaveholding. The average number of white persons in the slaveholding families was 5.7, in nonslaveholding families 5.3. Of the total white population, 72.5 per cent were directly concerned with slaveholding in the family and were accustomed to the personal service of slaves. In 118 slaveholding families there were more whites than blacks on the estate, in 18 there were an equal number, and in 131 there were more negroes than whites. With no town worth mentioning, the county was distinctly a rural one. The estates whereon there were more slaves than whites might roughly be classed as plantations, while all the others would be called farms. The census taker has given the title "Esquire" to every planter owning a notable number of slaves, say above 30. We may take this as one of the numerous straws which show the mingling of the economic and social currents in the channel of the plantation system. The planter on a large scale was in nearly every case a social dignitary. Wealth and social standing were closely related in the antebellum community.

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[a] In the U. S. Census Office at Washington, the MS. returns from Georgia have been preserved for all of the federal censuses except those of 1790, 1800, and 1810. From these there might be compiled tables of slaveholdings for 1820, 1830, 1840, 1850, and 1860.

The slaveholdings were as follows:

	Slaves each.		Slaves each.
34 families	1	2 families	19
30 families	2	1 family	20
25 families	3	3 families	21
32 families	4	1 family	22
14 families	5	2 families	23
17 families	6	1 family	24
15 families	7	1 family	25
11 families	8	1 family	27
10 families	9	4 families	28
5 families	10	2 families	29
8 families	11	2 families	31
5 families	12	1 family	34
5 families	13	2 families	36
7 families	14	1 family	45
3 families	15	1 family	47
8 families	16	1 family	49
10 families	17	1 family	54
2 families	18	1 family	56

Total slaveholdings, 269. Total number of slaves, 2,394. The average size of slaveholdings was 9; 188 families owned 9 slaves each or fewer, while 81 owned 10 or more slaves each.

Taliaferro is a typical county in the longest settled part of the upland Georgia cotton belt. At the time of this census it had reached approximately its full agricultural development for the ante-bellum period. Thenceforward it received little immigration, while many of the people, white and black, moved away to find fresh lands in the West.

A comparison of conditions in the county as shown in this census of 1827 and those shown in the United States census of 1860 is interesting. The white population had decreased in 1860 from 2,038 to 1,693. The free negroes had increased from 32 to 41. The slaves had increased from 2,394 to 2,849.

The slaveholdings in 1860 were as follows (United States census of 1860, volume on agriculture, p. 227):

	Slaves each.		Slaves each.
45 slaveholders	1	12 slaveholders	9
30 slaveholders	2	33 slaveholders	10 to 14
20 slaveholders	3	22 slaveholders	15 to 19
16 slaveholders	4	15 slaveholders	20 to 29
18 slaveholders	5	10 slaveholders	20 to 39
17 slaveholders	6	6 slaveholders	40 to 49
12 slaveholders	7	5 slaveholders	50 to 69
8 slaveholders	8	2 slaveholders	70 to 99

One hundred and seventy-eight slaveholders owned less than 10 slaves each in 1860 as compared with 198 of the same class in 1831.

On the other hand 93 owned 10 or more in 1860 as compared with 81 of the same class in 1831. That is to say, the small holdings of slaves were gradually decreasing in number and also in size, while the large holdings were gradually increasing in number and in size as well.

From such other statistics as are accessible the indications point to this tendency as a general law of the plantation system—that, within the limit at which plantations grew too large to be manageable, the tendency in the staple-producing region was for the size of plantations under good management to increase until the maximum of efficiency was reached, while the size of those under weak management tended to decrease until they lost their complex organization and became simple farms.

In the Virginia Magazine of History and Biography, volume 10, pages 229 to 238, there is printed a list of slaveholdings in Westmoreland County, Va., for the year 1782. In this list 289 slaveholders are given who owned less than 10 slaves, and 56 who owned 10 or more. The table in the United States census of 1860, volume on agriculture, page 245, gives for Westmoreland County 256 slaveholders with less than 10 slaves each and 126 with 10 or more. This shows a decrease from 289 to 256 in the small holdings and an increase from 56 to 126 in the larger holdings. The working of the general tendency is more strongly shown in this case of the Virginia tide-water county than in the upland Georgia county; but it must be observed that the extent of time covered is more than twice as great as in the case of Taliaferro County. An exception to this general rule of plantation aggrandizement is to be noted in the case of Spottsylvania County, Va. A comparison of the statistics of slaveholdings there in 1783 (Virginia Magazine, vol. 4, pp. 104 to 106 and 292 to 299) with those in 1860 shows a decrease in the plantation forces; but the conditions there were exceptional. Tobacco was replaced by corn and wheat, and the plantation system entered a period of decay. (Cf. writings of George Washington, Ford's edition, vol. 14, p. 196.)

A curious item in the Taliaferro County census reads: "Noah Kelsey's Quarter, 17 slaves." Noah Kelsey does not appear as a resident of the county, and the indication is that there was no white overseer on the plantation.

The free negroes were scattered throughout the county, each under the care of a guardian. One group of seven had the same guardian, but most of the guardians had single wards. Most of the guardians of free negroes were slaveholders.

Another noteworthy census among these MS. documents is that of Crawford County in 1824. Crawford County was in the western part of the Georgia cotton belt. Its lands had been acquired from the Creeks in 1821, and soon afterwards distributed by lottery and thrown open to settlement. The census of 1824 shows the method of settling the frontier in the cotton belt.

The white population is given at 1,781, grouped in 330 families, of which 114 had slaves aggregating 579. Two hundred and sixteen fam-

ilies, or 65 per cent, owned no slaves. There were no free persons of color. The slaveholdings were as follows:

	Slaves each.		Slaves each.
27 families	1	6 families	10
18 families	2	2 families	11
17 families	3	1 family	12
9 families	4	2 families	13
7 families	5	2 families	15
9 families	6	1 family	20
4 families	7	1 family	28
1 family	8	1 family	31
5 families	9	1 family	42

The average of slaveholdings was 5; but this average would have been much smaller except for the presence of a very few planters among the farming population. Sixty-five per cent of all the white familes had no slaves; 50 per cent of the remainder had less than 4 slaves each. Only 11 families of the 330 in the county in 1824 had as many as 11 slaves each. By 1860 the number of slaveholders, or more properly of slave-holding families, had increased to 369, the number of slaves to 4,270. Of the slaveholdings in 1860, 249 were 9 or less, while 110 were of 10 or more, and 4 of these ranged between 100 and 200 each.

Crawford County, then, in 1824, three years after its opening to settlement, was peopled almost entirely by small farmers, but the stream of planters was already entering. As years went on, the planters increased their holdings of slaves and lands; other planters came in from the East, and some of the farmers by thrift grew to be planters. The plantations thus increasing encroached steadily upon the land first held in small farms. The small farmers were handicapped in the competition for the cotton market. The outcome was that many of the nonslaveholders emigrated to the West for still fresher fields, or to the northward or the southward of the cotton belt, where they might live more cheaply as self-sufficient producers, having little to do with staples, money, or markets. A few of the planters also emigrated, perhaps, to the Mississippi bottoms, but their removal was always hindered by the difficulty of selling their extensive lands and of transplanting their complex establishments. The pioneer work throughout the South seems to have been done by the yeoman class and the younger sons of the well to do, while the wave of planters followed later and was confined to the staple-producing areas and to the districts lying in reach of markets.

Reports of the Western and Atlantic Railway, 1840 to 1850. About 20 packages.

Smallpox and quarantine, 1800 to 1826. 1 package.

Papers in the case of the Africans illegally imported into Georgia, 1820. 1 package.

Penitentiary papers, 1802 to 1870. 5 bins.
Letters to the governor, 1840 to 1861. About 20 packages.
Letters to the governor, 1861 to 1871. 4 bins.
Military affairs, 1860 to 1865. 20 bins.
Quartermaster's department, 1860 to 1865. 4 bins.
Whisky and distilleries, 1863 to 1865. 1 package.
Election returns, prior to 1861. Scattering packages.
Election returns, 1860 to 1865. 9 bins.
Election returns, 1868. 3 bins.

The returns for the Presidential election of 1868 are quite voluminous.

Reports of destitution in Georgia, 1867. 1 package.
Reports of outrages, 1868. 1 package.
Election returns, 1872 to 1885. 5 bins.

A very large number of the original records of the State are missing, Some of these are extant in other collections or in private possession. The following document, which is printed with the consent of its owner, Mr. T. Cuyler Smith, of Atlanta, who bought it of a second-hand dealer, will illustrate the importance of many of these stray papers:

"SAVANNAH *29th October 1797.*

DEAR SIR I received your favor of the 19th Instant, respecting an error or mistake in the returns of Negroes imported in Chatham last year—a General list with the date of the returns I herewith annex, and account for the error this way—

Richard Whitehead did import on the 19th of August Fifteen Negroes from the State of Maryland which Negroes was sold here [him?] by Mr. Alger and the said Whitehead neglecting to make return thereof I thought it my duty to enter the same in my digest agreeably to the time of importation—and on the 4th of Novr. following Mr. Whitehead coming forward and made return of said Negroes and paid the Tax thereon I find on examination the same was charged Twice. I therefore beg the Treasurers pardon for this Error owing to a multiplicity of Business of a similar nature at that time of the year. I am Dear Sir with Compliments to the Majer & yourself your Obt Servant

W. NORMENT.

JOHN BERRIEN, Esquire,
Treasurer of the State of Georgia, Lewisville."

"List of negroes imported in Chatham County from the 1st of January, 1796, to the 9th day of February, 1797, inclusive."

Date.	Name.	Number.
1796.		
Mar. 23	Robt. Watts	122
Apr. 6	Same	104
May 14	Same	92
May 26	Kenedy & Parker	57
June 1	Robt. Watts	37
June 22	Same	149
June 25	Caige McLeod & Co	235
July 6	Same	248
July 15	Robt. Watts	26
July 18	Same	52
Aug. 5	Same	275
Aug. 25	Ewing McCall	219
Sept. 6	Robt. Watts	116
Oct. 6	Cage McLeod & Co	97
Oct. 12	Robt. Watts	190
Nov. 4	Richard Whitehead	15
Nov. 22	Robt. Watts	50
		2,084
1797.		
Jan. 23	Joseph Miller	18
Feb. 9	Shirtleff & Austen	37
Feb. 9	Charles O'Hara	37
		92
	Total	2,176

If some of the State archives have gone astray, certain records which do not belong to the State, on the other hand, have in some way found lodgment among the State documents. Of these the following are among the archives of the executive department:

Bank of Darien, branch bank in Macon. Discount book No. 2, June 17, 1824, to June 3, 1840.

Treasurer's book, Western and Atlantic Railroad. Record of warrants, 1866 to 1870.

Macon and Brunswick Railroad. Stock ledger, 1867 to 1872.

Macon and Brunswick Railroad. Stock journal, January 28 to November 4, 1872.

Record of the proceedings of the International Railroad and Steamship Navigation Company, of Florida, March 22, 1883, to October 4, 1884.

1. THE RECORDS OF BALDWIN COUNTY, GA.

The area in which Baldwin County lies was relinquished by the Creek Indians in the treaty of Fort Wilkinson in 1802. By an act approved in May, 1803, the Georgia legislature laid out the county of Baldwin to include a part of the ceded district, and provided for the gratuitous distribution of its territory among the citizens of the State by a newly devised land-lottery system. But not until 1807 was a county seat selected and a county government actually established. By 1810 the assignment of free lands had brought in a population of 3,780 whites and 2,566 negroes.

The county records now to be found in the court-house at Milledgeville extend from 1806 and 1807 to the present, but in a very incomplete series. When the old court-house was burned in 1861, the records of the inferior court and the court of ordinary alone escaped destruction. The documents in the office of the county clerk accordingly do not antedate 1861. Among the records which were not affected by the fire frequent breaks in series occur, which can be accounted for only by referring to the inattention of the officers in charge and the lack of any secure vault or case for the volumes and papers.

Records in the ordinary's office.—The ordinary in Georgia is the officer corresponding to the judge of probate in most of the other Southern States. Prior to the establishment of the court of ordinary in Georgia its functions, among others, were performed by the inferior court in each county.

Minutes of the inferior court of Baldwin County, 1808 to 1868. In several volumes.

The inferior court, composed of five justices, sometimes assisted by a jury, had jurisdiction over roads, taverns, liquor licenses, jails, habeas corpus, orphans and guardians, debtors, etc., over petty civil and criminal cases, and over all trials of slaves for crime.

Item, under date of January 9, 1815: "Ordered, That Marlow L. Pryor do cause the door of the Debtors Chamber of the Jail of Baldwin

County to be put in good and sufficient repair * * * " and that he do present his account to this court.

Item, date of July 3, 1815: Ordered, whereas the jail is reported insecure, the prisoners be ironed by the sheriff and the jailor sleep in a room in the jail.

Item, date of May 25, 1830: List of paupers in the county and amounts directed to be paid by the county treasurer for their support for the year. The list contains the names of 5 men, to receive $60, $60, $45, $25, and $25, respectively; 3 women, to receive $48, $40, and $25, respectively; 1 blind negro to have $30, and 1 blind negro woman to have $22. (The public was usually saved the expense of supporting infirm negroes by legislation restricting the emancipation of aged or crippled slaves and requiring their owners to maintain them. In numerous inventories of estates in Baldwin County blind or disabled slaves are listed at a value of $0.00.)

Inferior court, record of writs, 1810 to 1827 and 1838 to 1841.

Inferior court, record of judgments and petitions, 1843 to 1857.

Inferior court, execution docket, 1811 to 1834.

Inferior court, motion docket, 1830 to 1860.

Inferior court, claim docket, 1832 to 1858.

Inferior court, subpœna docket, 1832 to 1860.

Inferior court, bar docket, 1831 to 1858.

Inferior court, record of estrays, 1808 to 1854.

Inferior court, appearance docket, 1806 to 1838.

Inferior court, accounts of Baldwin County, 1837 to 1860.

Inferior court, "Criminal docket A," being the "Record of the proceedings of the inferior court of Baldwin County on the trials of slaves charged with capital offences," 1812 to 1832.

By an act of the Georgia legislature in 1811, the inferior court, to be composed of at least three of the justices of the court and a jury of twelve freemen, was given jurisdiction over all cases for the trial of slaves upon charges involving a penalty extending to life or limb. This volume contains record of probably all cases in which slaves were tried for felonies between 1812 and 1832. The following is an abstract of all the cases recorded:

November 12, 1812: The State *v.* Major, a slave, the property of John Neeves, on the charge of rape. Verdict of guilty. Sentence of hanging.

January 11, 1815: The State *v.* Fannie Micklejohn, a slave, the property of the heirs of William Micklejohn. Charged with murdering an infant. Verdict of not guilty.

April 18, 1815: The State *v.* Tom, a slave, the property of Joseph Andrews. Charged with murdering a slave and adjudged guilty.

Sentenced to be branded on each cheek with the letter M, to have 39 lashes laid on his bare back forthwith in the market place and be remanded to jail, to receive 39 lashes on April 19 and be remanded to jail until April 20; then to receive 39 lashes more and be discharged.

November 21, 1816: The State *v.* John, a slave, the property of William McGehee, charged with stealing a $100 bill. Verdict of guilty. Sentenced to receive 39 lashes on the bare back three days in succession.

July 31, 1818: The State *v.* Aleck, a slave, the property of James Thomas, charged with assault with intent to murder. The prisoner pleaded guilty, and was sentenced to receive 50 lashes well laid on the bare back with a cow-skin whip three days in succession.

February 17, 1819: The State *v.* Rodney, a slave, the property of Maj. John A. Jones, charged with arson. The prisoner was found guilty and sentenced to be hanged.

April 28, 1821: The State *v.* Peter, a slave, the property of Eden Taylor, charged with the murder of a slave. Was found guilty of manslaughter and sentenced to be branded on the right cheek with the letter M, and to receive 39 lashes on three successive days.

October 22, 1821: The State *v.* Edmund, a slave, the property of Ann Carlton, charged with involuntary manslaughter. It appearing that the prisoner had been charged with no crime of which the court had cognizance, it was ordered that he be forthwith discharged.

January 19, 1822: The State *v.* Davis, or Dave, a slave, the property of William Johns, charged with assault with intent to kill a white person. Verdict of guilty. Sentence not recorded.

No date: The State *v.* John, a slave, the property of William Robertson, charged with burglary. Found guilty but recommended to mercy. Sentenced to be branded on the right cheek with the letter T and to be given 39 lashes on three successive days.

On the same day this same slave, John, was sentenced to be hanged for assaulting a white man with intent to kill.

December 5, 1825: The State *v.* George, a slave, the property of John D. Ponder, charged with burglary. The offense charged was the breaking into the house of a white man, John Dumer, of Milledgeville, and stealing goods to the value of $150. Verdict of guilty with recommendation to mercy. Sentence of hanging.

December 5, 1825: The State *v.* Stephen, a slave, the property of Israel T. Jordan, charged with assault with intent to kill a free white man. Found guilty and sentenced to hanging.

March 15, 1826: The State *v.* Elleck, a slave, the property of Andrew Elliott, charged with assault with intent to commit murder and rape. Verdict, guilty of assault with intent to kill. Sentence, hanging.

July 12, 1828: The State *v.* George, a slave, the property of Mrs. Elizabeth Smith, charged with larceny from the house. Verdict of not guilty.

July 8, 1829: The State *v.* Caroline, a slave, the property of Robert B. Washington, charged with maiming a free white person. Verdict of not guilty.

May 21, 1832: The State *v.* Martin, a slave, the property of Farish Carter, charged with assault with intent to murder. The prisoner pleaded guilty, and was sentenced to 39 lashes on three successive days.

Minutes of the court of ordinary, 1852 to 1883.
Court of ordinary, appearance docket, 1827 to 1840.
Court of ordinary, bench docket, 1869 to 1873.
Court of ordinary, docket, 1888 to 1899.
Letters of guardianship, 1832 to the present.
Letters testamentary, 1836 to 1851 and 1897 to the present.
Letters of administration, 1832 to the present.
Letters of dismission, 1900 to the present.
Guardians' bonds, 1831 to the present.
Administrators' bonds, 1832 to the present.
Names of deceased persons for whose estates executors or administrators have been appointed, 1807 to 1868.
Record of estates administered, 1832 to 1862.

Contains only the statement of dates on which letters were granted and returns made.

Annual returns of administrators, 1809 to the present.
Record of appraisements, 1807 to 1827.
Inventories and appraisements, 1873 to the present.
Record of sales and inventories of estates, 1808 to 1888.

The county records of appraisements and sales of estates at auction comprise the chief source from which knowledge may be had of the rise and fall of slave prices. A comparative study of data of this sort, collected from the various parts of the South, and of the North in the period when the North was slaveholding, will be essential as a basis for any definitive economic history of slavery in America. The printed material upon slave prices and the economics of slavery is scanty and fugitive, and often unreliable. The records of administrators' sales in Baldwin County are itemized only after the year 1819.

Record of wills, 1806 to 1832 and 1869 to the present.

The general run of the wills, inventories, etc., indicates that the great majority of the citizens of the county owned very little property aside from lands and negroes. A feather bed was in many cases the most important item in the estate. The records show, however, that there were a few citizens whose estates were worth above a hundred thousand dollars each.

Record of marriage licenses and marriages, 1807 to the present. In 8 volumes.

Lists of children in Baldwin County entitled to the benefit of the poor school fund, 1852 to 1858.
Bonds of liquor retailers, 1831 to 1863 and 1867 to 1875.
Record of oaths of liquor sellers, 1839 to 1859.

> Every liquor seller was required to take oath that he would not sell to slaves or free persons of color without the oral or written consent of the owner, overseer, employer, or guardian.

Bonds of county officers, 1870 to the present.
Homestead certificates, 1889 to the present.
Record of lunacy cases, 1889 to the present.
Constables' bonds and oaths, 1893 to the present.
Roster of Confederate soldiers from Baldwin County.
Tax digests for Baldwin County, 1855 to 1880, scattering.
Tax defaulters' list, 1878. Printed.
Census of Baldwin County, 1880.
Cotton book, October 2, 1867, to May 11, 1868.

> Gives the names of producers and shippers, the number and weight of the bales, and the amount of the tax at 2½ per cent. This record is to be found in the back of the inferior court bar docket of 1831 to 1855.

County treasurer's book, 1868 to 1870 and 1872 to 1876.
Registration books of voters of Baldwin County, 1888 to the present. Scattering years.
Tax Digests, annually for recent years.
Miscellaneous papers in pigeon holes.

Records in the office of the county clerk.—The bound volumes in the clerk's office contain deeds, mortgages, etc., and the usual dockets of the superior court and the county court from 1861 to the present. There are a large number of original documents tied in packages and arranged in pigeon holes, with the following rough classification:

Grand jury presentments; divorce cases; estates; orders to sell and reinvest; inquests; attorneys admitted to practice; alias fifas, commissions, and awards; memorials; charters; dowers; guardians; claims; illegality cases; homesteads; appeals from county courts; certiorari in civil cases; certiorari in criminal cases; appeals from the ordinary's court; appeals from the justice courts; fifas; satisfied fifas; notaries public; bills of equity; liens and mortgages recorded; cases

disposed of; cases settled; no bills; writs; interrogatories; affidavits and foreclosures; rules absolute; supreme court cases; bills of equity; bonds in criminal cases; bench warrants; state warrants; rules against defaulting witnesses; county court papers settled and nol prossed; evidence and briefs in various criminal and misdemeanor cases.

Records in the office of the county commissioners of roads and revenues:

Account books, minutes, and miscellaneous papers, extending from about 1885 to the present.

Records in the office of the county school commissioner:

Account books and records during the tenure of office by the present incumbent (sixteen years).

Records in the office of the sheriff:

Sheriff's docket during the tenure of the present incumbent (six years).

Records in the offices of the justices of the peace:

The justice in each militia district keeps a docket of the cases in his court, but no uniform system is followed in preserving these records.

2. THE RECORDS OF MILLEDGEVILLE, GA.

The district in which Milledgeville stands was acquired from the Creek Indians by the treaty of Fort Wilkinson in 1802. In the following year the Georgia legislature ordered the survey of town lots at the head of navigation on the Oconee River, and named the projected town Milledgeville. In 1804 another enactment provided that the seat of the State government should be transferred to Milledgeville as soon as a state house could be built. The town was accordingly the capital of Georgia from 1805 until the seat of government was removed to Atlanta in 1868. Milledgeville has been the county seat of Baldwin County since its founding. The town was incorporated by an act of 1810. Its population grew slowly in the antebellum period, and even to-day it numbers less than 5,000 souls.

The records are to be found in the office of the town clerk. They are in no arrangement, and no care is taken of them. Some of them have been damaged by mice, and all of them (as found in August, 1903) are exceedingly dusty and disagreeable to use.

Minutes of the Corporation, 1816 to 1832, 1837 to 1847, 1855 to 1876.

Some of these volumes are entitled "Minutes of the Intendant and Commissioners of Milledgeville." Later the titles of the officers were changed to mayor and aldermen, meeting in city council.

These minutes, setting forth the range of official action in this country town of the upland cotton belt, contain many items which afford an insight into the life of the antebellum South, now so difficult to reconstruct with any degree of faithfulness.

Item, date of July 30, 1822: An ordinance. (1) No slave may live off the lot inhabited by his owner or employer. (2) No slave may hire his own time from his master or contract to labor for any other person. (3) No person of color may keep spiritous liquors for sale, and none may keep any horse, cow, or hog for his own use. (4) No free person of color may live in Milledgeville except with a guardian living in the town and a certificate of character and a bond for good

behavior. Not exceeding four washerwomen at one time shall be exempt from the provisions of this ordinance, and they only when specially licensed.

Item, August 22, 1822: An ordinance. Articles (1) and (2) of the above ordinance of July 30 are suspended until December 15 in the case of slaves provided with certificates of character and covered by bonds for good behavior.

Item, February 1, 1823: An ordinance for a patrol. Ordered that the marshal divide the whole list of citizens subject to patrol duty into 30 squads, and that each squad do patrol duty for one night in each month. Exemption from patrol duty may be purchased at $6 per year.

Item, March 22, 1823: Fines of $1 each are imposed upon fifteen citizens for failure to perform patrol duty.

Item, January 7, 1824: Treasurer's report. Amount received in 1823 in fines for failure to do patrol duty, $40.50.

Item, January 12, 1824: An ordinance repealing the above ordinance of February 1, 1823.

Item, January 31, 1831: An ordinance providing a new system of patrol. Ordered, that the marshal and three sergeants, with salaries of $100 a year, shall command the patrol in succession. Five citizens are to serve each night. The patrol is to continue from 9 p. m. to 3 a. m. Persons failing to patrol or furnish substitutes are subject to fine from $1 to $5.

Item, February 2, 1825: An ordinance for organizing a town guard to replace the former patrol system. Citizens are permitted to volunteer and receive payment for services. The duty of the guard is to apprehend every slave between ten and sixty years of age found off his master's premises without a pass after the ringing of the market bell at night. Slaves apprehended are to be kept in the guardhouse till morning, and their owners notified. Each slave is to be released after 25 lashes on the bare back and the payment of $1 by the owner.

Item, June 14, 1825: An ordinance amending the above ordinance by exempting slaves from whipping for the first offense.

Item, September 31, 1828: Upon the complaint of John Pitt, of the conduct of Rachel, a free woman of color, ordered that Rachel be required to remove from the house she now occupies, and that her guardian give bond and take out a license for her before November 15, to avoid the enforcement of the law in case of failure.

Item, January 23, 1829: Licenses issued to John Mitchell for Aaron, a free person of color, to W. H. Torrance, for Patsy, a free person of color; and Parmalee, her daughter; to Wm. Hudson, for Dinah, a woman slave; to Seaborn Jones for his slave Billy; to Wm. Green for Sally Freeman, a free person of color; to Wm. Y. Hansell for Wiley Woodward, a free person of color; to John Marler, for Esek, a slave.

Item, April 22, 1831: Ordered that the Secretary serve a citation on Edward Cary and that the marshal be directed to bring before this board a negro slave named Nathan belonging to the said Cary, on

Monday next, to answer the charge of assault and battery, on one of the patrol of the town and show cause why punishment should not be inflicted.

Item, April 24, 1831: In response to the above citation, Edward Cary appeared without the negro. He alleged that Richard Mayhorn had violated the ordinance of the town by transcending his authority as a patrol. The evidence of witnesses was introduced to substantiate Cary's statement. The board ordered that Richard Mayhorn be discharged from the service of the corporation.

Item, July 13, 1831: A patrol reported riotous conduct on the part of a negro named Hubbard, and charged Hubbard with cursing, assaulting, and bruising Billy Woodliff (a slave of Seaborn Jones ?), at the door of Billy's shop. Billy Woodliff, being sworn, related how Hubbard abused and bruised him with a rock. Robert Mercer and Mr. Winter also testified. The fact was brought to light that Hubbard's attack upon Billy had been brought about by Billy having taken Hubbard's wife away from him. "The testimony being concluded, Mr. Wiggins addressed the board in a speech containing some *lengthy*, *strenthy*, and *depthy* argument; whereupon the board *ordered* that the negro man Hubbard receive from the marshal *ten* lashes, moderately laid on, and be discharged."

Item, February 12, 1830: Whereas the board has received information that Elijah H. Burritt has violated the statute of the last Georgia legislature by the introduction of certain insurrectionary pamphlets, resolved that the town marshal be directed to enter his name as prosecutor in the case, and that this board will pay all expenses necessary to bring the offender to punishment.

Item, September 13, 1831: Ordered, that the marshal and deputies use increased vigilance with regard to our black population, and particularly that they do not fail to visit every place at which there is an assembly of negroes, and in the event of religious meetings to treat them as the law directs for unlawful meetings, unless there is present at least one white person accepted by the church to which the society belongs.

The rise of the abolition agitation in the North in 1829 and 1831 and the Nat Turner insurrection in Virginia account, of course, for the policy of the board as indicated in the two items last noted above.

Item, October 5, 1831: The negro man Nathan, belonging to W. B. Hepburn, was brought before the board and examined relative to a suspected insurrection among the blacks. Whereupon, after due consideration of all the circumstances, it was ordered that, as nothing criminal has been proved against him, he be immediately discharged. The yellow man Richard Rogers, a preacher, was examined and likewise discharged. So also Aleck Reynolds, the blacksmith, and Casewell, a blacksmith belonging to Peyton Pitts. The board ordered that, whereas there has been considerable danger in the late excitement and alarm of an intention at insurrection, by firing guns and "by persons carrying arms that were intoxicated," and by boys

unable to bear arms, it be ordained that the marshal and patrols take away arms from intoxicated persons and boys and enforce the ordinance against firing arms in the streets.[a]

The examination of these negroes suspected of conspiracy in 1831 and the trials of Nathan and Hibbard, noted above under dates of April 22 and 24 and July 13, 1831, appear to be the only instances recorded of negroes having been tried by the Milledgeville authorities for crimes or misdemeanors prior to the outbreak of the civil war.

Item, January 5, 1839: "On motion of Alderman Cook, Resolved that the Marshal be and he is hereby required to pay over to the Council immediately after the passage of this Resolution, all monies received by him for superintending the Balls given by the Colored People during the Christmas holidays, and that he be instructed not to receive in future any compensation for such services."

Item, December 19, 1839: Resolved that the board deem it improper to grant negroes the privilege of having balls at any other time than during the Christmas holidays, and then in the daytime, and that no consent shall be granted except upon the application of the owners or guardians of the negroes.

Item, January 21, 1841: Resolved upon petition, that the band of musicians composed of colored persons be allowed to practice in the old theater not later than 10 o'clock, until further ordered by the board; provided they obtain the services of some suitable white person to accompany them.

Item, July 15, 1841: An ordinance. It shall be the duty of the marshal and deputy to report any white persons disturbing the peace. (Elsewhere the marshal and deputy are directed to patrol and prevent negro disturbances and to report and bring to trial all white persons breaking the peace. The repetition of this ordinance at this time seems to indicate that an element among the whites had become especially troublesome.)

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[a] Further light upon the anxiety and the excitement aroused by rumors of negro insurrections may be had from the newspapers of the time. The following items from one of the Milledgeville newspapers are illustrative:

"Federal Union, October 6, 1831. (Editorial.) Recent occurrences in sister States, together with various reported movements among the slaves in this vicinity, have rendered it prudent that proper vigilance should be used in the metropolis, and in common with other citizens the editors and workmen in our office have been for a day or two past engaged in this important duty. The subject is now under investigation by the civil authority of the town. The result is unknown, but the matter will be probed to the bottom, and if any seditious intentions exist they will probably be detected and punished in an exemplary way. Nothing definite up to this hour (12 o'clock on Wednesday) has been ascertained. A very exaggerated account reached us yesterday from a part of Jones County, but has not been confirmed. The town was ready for any emergency. While, therefore, we would not create any excitement through the State, we think it prudent for our fellow-citizens to be on the alert."

"Federal Union, October 13, 1831. NOTICE.—The military storekeeper of Milledgeville has received executive orders to collect the arms and ammunition distributed to the citizens on the 4th instant. Those persons who received such will please to make returns at the arsenal in this place immediately. Milledgeville, 12th October, 1831."

Item, September 18, 1854: The board resolves that the petition before them asking the privilege for the negroes of the city of erecting a church for their separate use upon the lands of the city can not be entertained unless it be signed by a majority of the citizens of Milledgeville.

Item, January 10, 1840: The board resolves to order the engraving of bills of the denominations of $3, $2, $1, 50 cents, and 25 cents to the total amount of $14,440.

Item, April 2, 1840: The change bills have arrived from Washington to the amount of $7,357.50. The cost of engraving is $200.

Item, April 4, 1840: The board resolves that these change bills be signed up and put into circulation as rapidly as possible in exchange for bank notes. Ordered, that no notes shall be issued unless a fund for their redemption is on hand equal to at least one-third of the amount proposed to be issued.

In this period of financial depression in the cotton belt bills of credit were issued by numerous town corporations. In the Southern Recorder, January 18, 1842, a newspaper printed at Milledgeville, a table of the rate of exchange is given. The notes of the Augusta city council are quoted at par, while those of Columbus, Macon, and Milledgeville are quoted at 15 per cent discount. For Savanah scrip, 1840, see Thos. Gamble, jr., History of the City Government of Savannah, Ga., from 1790 to 1901, pages 173–174.

Item, February 23, 1841: The street committee reported that they had hired for the present year the following-named hands from the persons whose names are thereunto annexed, viz:

Antoinette, of T. F. Greene, trustee	$100.00
Isaac, of C. J. McDonald	150.00
Monday & Sam, of M. J. Kenan	250.00
Prince, Andrew & Prince, of Sarah Davis	375.00
Henry & Bill, of Emmon Bails	120.00
Andrew, of I. S. Wright	120.00
Joe, of James Smith	120.00
	1,355.00

"Ordered, that notes be executed by the mayor to the owners of said hands for the several amounts above stated."

Item, January 2, 1840: Rations of negroes hired by the town of Milledgeville. Each week, 1 peck of meal, 6 pounds of bacon, and 1 pint molasses in season.

Mention is made here and there also of potatoes, rice, and beef, seemingly for the negro hands. Corn was worth about 50 cents per bushel; bacon, 13 cents per pound. The town fed, clothed, and sheltered the negroes it hired. One pair pantaloons cost $3; 1 round jacket, $3; 1 shirt, $1; 1 pair shoes, $1.25 to $1.50. The support of the hands and four mules in 1840 cost $897.93. (Minutes, December 3, 1840.)

Corporation tax book, by years, 1825 to 1831 and 1840.
Real property liable to taxation, 1849, 1850, 1851.
Digest of taxes, 1825, 1830, 1846, 1859 to 1869.

The digest of taxes for 1859 gives a total of 335 taxpayers, of which 8 were free negroes. One of these had property assessed at $440, and two others at $75 each. The remainder paid poll tax alone. The real estate was valued at $317,000 and the slaves at $318,600. Taxes were levied as follows: On white males between 18 and 45 years of age, a poll tax of $2; on white males between 16 and 18 and between 45 and 60, a poll tax of $1; on free male persons of color between 16 and 60, a poll tax of $10; on free female persons of color between 15 and 50, a poll tax of $5; on slaves between 10 and 60 years of age, 40 cents for every $100 of the returned valuation; on real estate and personal property, 40 cents on $100; on merchandise, 50 cents on $100; on money at interest, 30 cents on $100; on peddlers, 10 per cent of their sales; on liquor shops, $50 each; on billiard tables, $25 each; on bagatelle tables, $20 each; on tenpin alleys, $25 each; on bakers, $10 each; on forges, $10 each; on printing offices, $40 each; on bank agencies, $100 each.

Accounts of the city government, 1840 to 1858.
City ledger, 1859 to 1862.
Record of city council expenditures, 1853 to 1878.
Cash book of the town treasurer, 1858 to 1869.

Entry under date of November 26, 1864: "By Amt. on hand captured by the Yankees, $1,032.30."

Entry under date of March 3, 1863: "By Amt. paid for 8 candles, $8. By Amt. paid for pr. of shoes, $35."

Record of the police court of Milledgeville, 1854 to 1870.

This volume contains the record of some 480 misdemeanor cases tried in the mayor's court between 1854 and 1870. Of these none appear to have been against slaves or free persons of color before 1862.

Item, February 15, 1862: "The State *v.* Wm. a slave of Doct. G. D. Case. Disorderly & Disobedient Conduct. After hearing the testimony in the above case, [it] is ordered and adjudged that Doct. G. D. Case pay the cost and that the boy William receive Ten Lashes by the hand of the Marshal, and then be discharged."

Item, December 8, 1862: The State *v.* Hamilton, a slave. Retailing spirituous liquors. Pleaded guilty. Sentenced to 39 lashes.

Item, May 14, 1864: The State *v.* Viney, a slave. Using approbrious and impudent language to a white person. Sentenced to 39 lashes.

Item, July 26, 1865: "The State *v.* Jarratt (Freedman)." Petit larceny. Sentences to 10 days imprisonment in the guardhouse, to be fed on bread and water.

Item, August 17, 1865: "The State *v.* Charles Harris (Freedman)." Malicious mischief. Sentenced to a fine of $25 or in default to be

kept in jail until the meeting of the superior court. The sentence was commuted to the wearing of ball and chain and working on the streets for 15 days.

Item, August 28, 1865: The State *v.* Anderson McComb, a freedman. Fighting. Sentenced to fine of $5 or 5 days work on streets.

Item, August 28, 1865: Three cases of vagrancy against freedmen. Sentenced each to 5 days work on the streets.

Item, September 15, 1869: "The State *v.* Joseph Young, Colored." Drunkenness. Sentenced to $5 fine or 6 days in jail.

From 1865 to 1869 the court followed the custom of sentencing white persons to fine or imprisonment in jail, while it sentenced negroes to fine or labor in the chain gang on the streets. After 1869 that distinction apparently ceased to be made. The change of phrases used for denoting negroes is curious. Before the war negroes not slaves were called "free persons of colour." In 1865 there is mention of "Charles Harris (Freedman)," and in 1869 of "Joseph Young, colored."

Census of the town of Milledgeville for the year 1828. Taken by Pryor Wright.

Summary: Total population, 1,599. Total whites, 831, of which 197 were males below 18 years of age, 288 were males above 18 years, and 346 were females. Male slaves under 18 years, 176; above 18 years, 159; total male slaves, 335, female slaves, 413; total slaves, 748; free persons of color, 20, of which 8 were males and 12 females.

Of 167 families, 31 had no slaves, 12 had 1 each, 17 had 2 each, 25 had 3 each, 9 had 4 each, 13 had 5 each, 10 had 6 each, 11 had 7 each, 6 had 8 each, 5 had 9 each, 6 had 10 each, 3 had 11 each, 2 had 12 each, 2 had 13 each, 1 had 14, 1 had 15, 1 had 17, 1 had 18, 1 had 19, 1 had 21.

Among the whites 12 were attorneys, 6 physicians, 21 merchants, 16 shopkeepers, 9 innkeepers, 21 printers, 26 house carpenters, 2 joiners, 5 blacksmiths, 6 boot and shoe makers, 4 silversmiths, 8 tailors.

The fact that the town was the State capital accounts for the large number of innkeepers and printers. The white families of the innkeepers were large and they were, as a class, the largest slaveholders in the town. (Of course no count was made in this census of the slaves who lived on outlying plantations, owned by citizens of the town.) The innkeepers had slaveholdings of 5, 5, 6, 12, 12, 14, 17, 19, and 21, respectively. The printers and a few merchants and several attorneys also had comparatively large numbers of slaves for townsmen. But, of course, the great mass of the slaves was upon the plantations and not in town. Eighty per cent of the white families in the town had slaves for domestic service. John Marlow is listed with 3 white men and 7 slaves, all of whom were carpenters. James Camak had 6 slaves, among whom one or two were apparently listed as printers. Wm. Y. Hausell had 10 slaves, among whom 1 was a carpenter, 1 a blacksmith, and 1 a cobbler. Billy Woodley (probably the Billy

Woodliff mentioned as a blacksmith in the minutes of the corporation, July 13, 1831, supra), is listed separate from any white person. All free negroes are listed under the names of their guardians.

The census taker, who was also the town marshal, possessed an inquisitive turn of mind. Though it was not set down in his instructions, he made jottings of 15 prostitutes, all of whom appear to have been white women. Of course there were other perhaps less openly professional women of the town among the negro population. The large number in this class was due to presence of numbers of legislators and other politicians in the town during the annual sessions of the general assembly.

Justice court docket, three hundred and twentieth district Georgia militia, 1841 to 1873.

Notary public criminal docket, three hundred and twentieth district Georgia militia, 1869 to 1871.

These justice and notary dockets are fugitive volumes which have happened to find lodgment in the office of the clerk of the town which lies in their proper militia district. The dockets themselves are of slight value, but miscellaneous jottings have been made in some of the volumes and render them of some interest.

The average number of cases in the justice court of the three hundred and twentieth district each year between 1844 and 1860 was about 100. But in 1862 there were but 13 cases, 5 cases in 1863, 3 cases in 1864, 15 cases in 1865, 29 cases in 1866, 50 in 1867, 24 in 1868, 24 in 1869, and 90 in 1870. The absence of litigation during the civil war and the early years of reconstruction is striking. Whether from paralysis of the local government or from the lack of personal discord this gives a new side light upon the old adage "inter armas leges silent."

THE DEPARTMENT OF ARCHIVES AND HISTORY OF THE STATE OF MISSISSIPPI.

By Prof. Franklin L. Riley, *Secretary and Treasurer of the Mississippi Historical Society, University of Mississippi.*

The creation of this department is one of the many important results following from the recent development of historical work in Mississippi. This development had its incipiency in the reorganization of the Mississippi Historical Society, in January, 1898. During the first two and a half years the work of the society was done almost entirely by its secretary and treasurer, who was also professor of history in the State University. The correspondence of the society, the editing of its publications, the arranging for annual meetings, and various other duties soon demanded more time than the secretary could afford to give to the rapidly developing work. He was therefore given an assistant in July, 1901. Before two years more had elapsed the historical work in the State had grown in magnitude and in importance until it became necessary for the secretary to seek for further relief. He then prepared for legislative consideration two bills, one of which provided for the establishment of the State department of archives and history, under the auspices of the Mississippi Historical Society, and the other appropriated $7,500 to provide for the maintenance of this department and to aid the society in issuing its publications in 1902 and 1903. Both measures were passed by the legislature and approved by the governor in February, 1902. A month later the department of archives and history was organized. Two rooms in the old statehouse were assigned as its temporary headquarters pending the completion of the new statehouse, in which it now occupies three rooms on the first floor.

The State Historical Society and the State department of archives and history are closely connected, the executive committee of the former becoming ex officio the first board of trustees of the latter. The society has voluntarily discontinued its activity as a collecting agency, this work being transferred to the department. The historical work in Mississippi has been divided as follows, between the Historical Society with headquarters at the State University; and the department of archives and history with headquarters in the State capitol.

The Mississippi Historical Society is:

1. An agency for stimulating an interest in State history by means of annual public meetings.

2. An agency for stimulating research through the publication of finished products of historical investigation.

3. An agency for directing and encouraging field work in history.

4. An agency for fostering local historical societies throughout the State.

The Department of Archives and History is:

1. An agency for collecting, preserving, and making easily accessible all materials relating to the history of the State.

2. An agency for serving as a general information bureau and for preparing and publishing, from time to time, valuable statistical information relating to the State.

3. An agency for the preparation and publication of an official register of the State after each general election.

4. An agency for editing the sources of Mississippi history.

5. An agency for locating historic sites, and cooperating with the historical society in preserving and appropriately marking the same.

6. An agency for directing the future work of the Mississippi historical commission.

The first systematic effort to catalogue the sources of Mississippi history was made two years before the creation of the department of archives and history. This work was done by a historical commission which was created by an act of the State legislature. It was composed of five members of the historical society, the secretary and treasurer being ex officio chairman. This commission was especially charged with the duty of making, "without expense to the State for

their labor, a full detailed and exhaustive examination" of all the undeveloped materials relating to the history and antiquities of the State, and of embodying the results of the examination in a printed report to the legislature, "with an account of the then condition of historical work in the State and with such recommendations" as might be considered desirable. The report of this commission was published in a volume of 394 pages, issued as Volume V of the Publications of the Mississippi Historical Society. Since it purports to give the location, historical value, and accessibility of all the sources of Mississippi history, it is the most elaborate and pretentious work that was ever done without compensation by any citizens of the State. It is of interest in this connection, since it directed public attention to the importance of collecting and preserving the sources of State history and recommended the establishment of a State department which should be charged with this function.

During the first year of its existence the department of archives and history examined and classified many very valuable documents which had been in the possession of the State many years, but were packed "into fifty boxes, without regard to order or arrangement." These documents have been classified as follows:

1. Provincial archives, embracing the documents belonging to the period of French, Spanish, and English occupation. Very few documents of any value have been discovered belonging to this period.
2. Territorial archives. Manuscripts belonging to this period are numerous and very valuable. Among them are the following executive documents: The official journal of Winthrop Sargent, first governor of Mississippi Territory, containing 100 titles; Sargent's Laws, containing 44 titles; executive journal and other documents of Governor William C. C. Claiborne, containing 797 titles; the official letters and other documents of Governor Robert Williams, containing 83 titles; the executive journal and other official documents of Governor David Holmes, containing 1,359 titles. In addition to these titles there are several documents relating to the careers of many persons less conspicuous in public service. The most valuable documents belonging to this division of the official archives are the papers of Governor Claiborne. They treat of a wide range of questions, among them the purchase of Cuba and Louisiana, navigation of the Mississippi River, exploration of Burr, and the foreign relation of the United States with England, Spain, and France.
3. The State archives contain the many official letters and other documents of the entire government of the State.

The department has devoted much time and labor to the collection of official Confederate war records of Mississippi. Mr. Dunbar Rowland, the director of the department, has done his best work in this field of labor. A detailed account of the discovery of many valuable Confederate records, the location of which was at the time known to only one survivor of the great conflict, with a full statement of the most interesting titles of the documents belonging to the department will be found in the "First Annual Report of the Director of the Department of Archives and History," published in Volume VI of the Publications of the Mississippi Historical Society.

The following summary of work done by the department of archives and history during the first eighteen months is taken from the "Second Annual Report of the Director." It reads as follows:

1. The preservation of the historical archives of the State, which are not in current use, from ruin and decay.

2. The discovery and preservation of the Confederate war records of the State, consisting of historical material, the value of which can not be estimated.

3. The publication by the Federal Government of a complete historical roster of officers and enlisted men of the Union and Confederate armies.

4. The collection and classification of 500,000 valuable historical manuscripts connected with Mississippi history.

5. The collection of historical portraits without cost to the State, the value of which is estimated to be $5,000.

6. The compilation of an Official and Statistic Register, containing valuable information relative to the historical, social, educational, and economic developments of Mississippi.

THE PUBLIC ARCHIVES OF NEW JERSEY.

By William Nelson,

Chairman of the Public Record Commission of New Jersey.

The archives of the State of New Jersey are exceedingly voluminous in extent and varied in character and interest. They have accumulated in the various offices to which they naturally pertain until they have outgrown the former provisions for their care and custody, and in many cases have become a serious and vexatious burden to the officers in whose charge they remain. The natural outcome of this condition of things will be in time the transfer of the records not in current use to one central office or building in the care of a special custodian. It may be that this transfer will be to the State Library, or it may be that there will be a special building devoted to the care of historical archives, with a competent person in charge. There is no general legislation on the subject of the care of these archives, and each officer is made the custodian of those in his particular care by virtue of statutes, in some cases, virtually dating back to the earliest colonial period, or, say, to 1665.

When Governor Philip Carteret arrived in New Jersey in August, 1665, he established his government at the place now called Elizabeth, the Government House being known for a century or more thereafter as the "White House," thus anticipating the popular appellation of the Executive Mansion of the Government of the United States. Elizabethtown remained the capital of the colony of New Jersey until the division of the province, in 1673–74, into the provinces of East Jersey and West Jersey, and continued to be the capital of East Jersey until about 1685, when the governors of East

Jersey established themselves at Perth Amboy. There the board of proprietors of East Jersey erected a public-record office, where were kept all the records pertaining to the surveys and conveyances of land in East Jersey, the title to the soil as well as the government being vested in the proprietors. This building was also used as the receptacle for the public records of the province, and so continued for one hundred and ten years.

In West Jersey Burlington became the capital of that province. The West Jersey proprietors erected a public-record office there, where were kept the records pertaining to that province or division, as at Perth Amboy.

Even when New Jersey was reunited under a royal governor in 1702, these public-record offices were continued for their respective divisions at Burlington and at Perth Amboy. In 1795 the legislature passed an act providing that the records pertaining to the government, and also the records of conveyances of land of East Jersey and West Jersey and of New Jersey, should be transferred from the public-record offices at Burlington and Perth Amboy, respectively, to Trenton, where they have since remained. The buildings originally erected by the proprietors at Burlington and Perth Amboy have been maintained or rebuilt at the expense of the State from time to time, in view of the great importance of the records still preserved there, viz., those relating to the warrants for and surveys of lands in the two ancient divisions of East Jersey and West Jersey.

The archives transferred to Trenton included all patents and deeds for land in the respective divisions; all wills and records of wills and administrations. This much by way of preliminary.

A detailed description of these records is necessary to give an adequate idea of their character.

DESCRIPTION OF RECORDS IN THE OFFICE OF THE SECRETARY OF STATE.

I. RECORDS OF CONVEYANCES, ETC., FOR EAST JERSEY.

These consist of thirty-four manuscript volumes, which have been substantially and neatly rebound within a few years, and have been renumbered consecutively. Originally they were

nearly all lettered, but in a confusing manner. However, as they have been constantly cited by their original designations it is proper to preserve the latter. The list is as follows, giving the former lettering and the new numeration:

New numbers.	Former designations.	New numbers.	Former designations.
Liber No. 1	Liber No. 1.	Liber No. 19	D 2.
3	No. 3.	20	K large.
4	No. 4.	21	C 3.
5	A.	22	E 2.
6	B.	23	F 2.
7	C.	24	G 2.
8	C of commissions.	25	H 2.
9	D.	26	I 2.
10	E.	27	K 2.
11	F.	28	A 3.
12	G.	29	B 3.
13	H.	30	C 3.
14	I.	31	D 3.
15	K small.	32	E 3.
16	A 2.	33	G 3.
17	B 2.	34	H 3.
18	C 2.		

The earlier volumes, especially, of this series, are of the most miscellaneous character, containing a vast fund of information regarding the manners and customs of the first settlers, the methods of government, the laws enacted, the administration of justice, the appointments of officers, probate of wills, administration of estates, patents from the Lords Proprietors, and from their successors, the East Jersey Proprietors, deeds, contracts, and all the official records pertaining to the settlement and government of the colony. A brief analysis of some of the volumes will give a better idea of their contents and of their value legally and historically.

Liber No. 1 of deeds, etc.:

This is a stumpy folio, of which 155 pages are written on in front, and 183 pages from the other end. Inserted is the record or copy of an Indian deed for land in and about "Elizabeth Town commonly called by the name of Arthur Kull," dated "the twenty-eighth day of October in the sixteenth year of the reign of Our Sovereign Lord Charles y^{e} 2do" from Mattano, Manamowaone, & Cowescomen to John Bayley, Daniel Denton and Luke Watson of Jamico in Long Island." There follow a number of patents confirming deeds for lands at Newark and vicinity, dated March 10, 1677.

On the reverse side of the same volume is inserted a leaf setting forth the proceedings of "a private session of the court held at Woodbridge, February 6, 1699," when Sambo, a negro, was "then tryed for ffellonie," on "an indictment found against him for burning his master's barn." He was "Acquitt by A Jury," and it was ordered that he "showld bee Returned to his Master Dirreck Middach upon

Liber No. 1 of deeds, etc.—Continued.

his payment of the just charges which amounted to the sume of five pounds three shillings & Eight pence, And if the sd Dirreck showld not come for him & pay the sd charges within two weeks After hee was Acquitt by the Jury, that then the sd Negro be sold at A publick vendue & After payment of the charges the overplus to bee Returned to his Master. And Whereas there is now produced a Letter from his sd Master to John Barclay then Clerk of the sd Court wherein he refuses to pay the Above charges & sayes hee Expects his sd Negro to be Returned free of Coasts, And whereas there is further charges accrued for keeping & cureing the sd Negro since the Above sd Court which must Also bee payd

"Therefore the Justices doe now order that John Barclay Clerk of the sd Court shall give publick Notice to the severall Townes in this Countie & to the said Master; that the sd Negro Sambo shall (upon the 4th of March next ensueing the date hereof) [be hired] out by the Month to any persone or persones who may give most Wages for his service until the Above bill of Costs & charges which have since accrued be paid."

It will be observed that the master was obliged to pay the costs of trying his own negro for burning his own barn, although Sambo was "acquitt."

Liber No. 3 of deeds, etc.:

This is a folio volume with 177 pages written up in front, and 38 pages from the reversed side. Recorded in the early pages is a commission by Governor Philip Carteret to Capt. Nicholas Verlett, to constitute and appoint a court of judicature for the inhabitants of Bergen, Gemoenepaen, Ahasymes, and Hooboocken: Verlett to be president of said court, with the advice and assistance of Herman Smeeman, Caspar Steynmets of Bergen, Elyas Michaels of Gemoenepaen, to try suits under the sum of £10 sterling. Dated August 30, 1665.

Also commissions dated August 6, 1665, to Capt. Nicholas Verlett—as captain of a foot company listed or to be listed in the towns or villages of Bergen, Gemoenepaen, Asymus, and Hooboocken and other places in their jurisdiction. Caspar Stymets—as lieutenant of the same company. Adrian Post—as ensign of the same company.

Also an order against selling strong drink to the Indians, October 16, 1665.

Commissions dated October 26, 1665, to Nicholas Verlett—to be justice of the peace, and to John Ogden, gentleman—to be justice of the peace. Recalled.

Nicholas Verlett—to be one of the council, November 1, 1665.

John Ogden—to be one of the council, November 1, 1665. Recalled.

Divorce granted by Governor Carteret to Claes Pietersen, of Gemoenepaen, from his wife, Grietie Maes. They were married in 1654. She left him in 1658 and went to Holland. Divorce granted January 20, 1665. "Recalled and of no effect."

Licenses of marriage, commissions to members of the council, orders of various kinds, deeds, etc.

Liber No. 4 of deeds, etc.:

This is a large folio of perhaps 500 pages, but only 36 are filled. The first entry is of April 6, 1682—Petition of John Robinson, William Pinhorne of New York, merchant, and their associates, was by order of the governor and council then heard and ordered to be fully answered by granting a general patent in order to the speedy settling the lands mentioned in the said petition. (Signed) Robert Vicars, Secretary.

Petition—entered in full, for a tract of 2,000 acres of upland upon the north side of Raritan River.

Bill of sale by the Indians on the Matawong alias Millstone River, to Elizabeth Carteret, the lady proprietrix of said province, in fee, August 20, 1681.

"Piscataway, November 9, 1681, the conviction of Edward Slator of said Town nott haveing the ffeare of God before his Eyes Did ffix or putt or cause to be ffixed or putt upon a Poste in the sd Towne A writting subscribed by the sd Slator and one John Gillman * * * the contents whereof was to summons A Riotiouse and unlawful Assembly and many Persons was riotousely and unlawfully assembled &c. at which time the sd Slator read several seditious Papers," etc. He was "convicted of a heynouse Riott And Procurer of an Unlawfull and greate Assembly * * * against the Royall Power and Government of the sd province," and was ordered to have twelve months' imprissonment in the common gaol at Woodbridge.

Woodbridge, March 25, 1682—Recites that Slator was committed to the Woodbridge "Goal" and the Court now mitigated the sentence and ordered him to be released on April 1 "upon his paying £10 sterling and his just fees to Mr. Samuel Moore, Keeper of the sd Goal and to put in surety of his good behaviour." This was an outcome of the disputes over the claims of the East Jersey Proprietors.

Grants, patents, and Indian bill of sale.

Antenuptial contract between Seth Fletcher, of Elizabethtown, and Miss Mary Pearson, of Southampton, Long Island, May 30, 1681. Letters of administration to Mary Fletcher, widow of Seth Fletcher, of Elizabethtown, late minister of the gospel, who died in August last. Dated September 18, 1682. Inventory of the estate of Seth Fletcher, September 6, 1682, amounting to £550 05s. 8, including four quire of paper, 5s., one hatchet, 1s., one ironing cloth, 4s.

Surveys of lands at Piscataway, Elizabethtown, and Woodbridge, 1677. Several Indian deeds.

Letters of administration to Jane, widow of John Ogden, late of Elizabethtown, dated September 19, 1682. Inventory of the estate of John Ogden, amounting to £316 14s. 05.

Liber A of patents, etc.:

This is a very large folio of 442 pages. Some of the entries are as follows:

Address of Charles II, King, to the Planters, etc., of New Jersey, November 23, 1683.

"The Entries of Publick Charters Pattents, Deeds Writeings and

Liber A of patents, etc.—Continued.

things of and belonging to, Persons of East New Jersey being the continuance of publick Entrys from the death of Capn James Bollen late Secretary of the Province who departed this life the day of March Anno Domni 1682."

Deeds from the several proprietaries to other proprietaries, of interests in East Jersey.

Deeds from private landowners.

Instructions to governor and council.

Wills—of John Ward, turner, July 26, 1684; Francis Masters, of Shrewsbury, 24 of 5th mo., 1684.

Names of such persons as were imported into this province and brought to be registered in the secretary's books of records, December 1, 1684, pages 154–5, 184, 195–6. For example:

Colin Campbell, indentured for four years, dated October 15, 1685, a servant imported into this province in October, 1684, by Mr. John Campbell, besides his wife and three children.

"Record of the births of the children of Jedediah Allen and Elizabeth Allen his wife of Shrewsbury, born unto them in Sandworth in Plymouth Colony New England and transported himself his wife & ten children into this place of East Jersey."

Administration on the goods and chattels of Abel Porter, jr., late of Boston, deceased, in the voyage from Scotland toward East Jersey, granted unto Hannah, his relict widow, at Boston, in New England, March 4, 1685–86.

Capt. Andrew Belcher, of Charlestown, in New England, mariner, attorney to Hannah Porter, substitutes Miles Forster, of Perth Amboy, in the county of Middlesex, as his attorney, April 20, 1686.

Liber B of Patents, etc.:

"Containing a continuation of the Publick Records."

Deed from James, Earl of Perth, for an interest in East Jersey, to David Toshack.

The volume contains 537 pages, mostly deeds, with some confirmatory grants by the proprietaries.

Liber C of Deeds, etc.

This is an immense folio, containing 344 pages of commissions, and from the other side 278 pages of deeds, patents, acts of the assembly, etc.

Liber D of Deeds, etc.:

This is a folio volume of 450 pages.

Edward Randall (Randolph), secretary and register of New England, to James Emott, appointing him deputy register for East Jersey, October 3, 1688.

Sir Edmund Andros, captain-general, etc., of New York, to James Emott, appointing him clerk of the peace and general quarter sessions and inferior court of common pleas in Essex and Middlesex counties, in East Jersey, August 20, 1688.

Same to same, commission as attorney at law, November 15, 1688.

Liber D of Deeds, etc.—Continued.

Will of Joseph Walters, of Newark, "in the Government of New England," November 15, 1688. Admitted to probate by Sir Edmund Andros.

These are interesting evidences of the sway exercised over New Jersey by Andros in disregard of the claim of the East Jersey proprietaries to the right of government over the province.

Will of Thomas Eatton, of Shrewsbury, Monmouth County, "11th 9th mo. 1688." Several other wills and letters of administration on various estates.

Assignments from apprentices of Thomas Warne, of Amboy, to John Kaighin, also late apprentice, "7th 12th mo. 1688–9."

Several Indian deeds, and other instruments, to 1694.

Liber E of East Jersey Deeds, etc.:

Wills, deeds, letters of administration, powers of attorney, patents, letters of guardianship, etc., 546 pages.

Liber F:

This is a very large folio of 743 pages. It consists mostly of deeds, but also contains some wills, patents, letters of guardianship, and agreements. It is popularly supposed that the ink and the paper used in these ancient volumes were so superior as to guarantee their perpetual existence. Some of the leaves of this book, however, are nearly eaten away by the corrosion of the ink. The last entry in the volume is dated September 15th, 9th William Third.

Liber G is a large folio of 370 pages, mostly deeds and patents, with some wills and letters of administration. The last entry is dated April 2, 1702.

Liber H is a small folio of 222 pages, mostly deeds and patents, but with some Indian deeds and a few wills. It was formerly a part of Liber No. 3, but separated therefrom, as is supposed, December 14, 1741.

Liber I, a folio of 487 pages, almost entirely deeds.

Liber K, small, 119 pages of deeds. Page 120 contains the disclaimer of Anthony Pintard, one of the defendants to the bill of complaint of Michael Kearney and Sarah, his wife (daughter of Gov. Lewis Morris), complainants, etc., by Joseph Murray, attorney, entered July, 1727.

Liber A2:

License by Gov. Robert Hunter to John Harrison, to assemble the Indians together and agree with them for certain lands, December 2, 1715. There are 266 pages in this book; fifty or sixty pages are nearly eaten away by the corrosive action of the ink. In consequence they are very fragile, and some of them are torn.

The other volumes of the series consist almost entirely of records of land conveyances.

Liber No. 8, however, or Liber C of Commissions, is of an entirely different and most interesting and important character. It contains the commissions of several hundred persons to civil offices in the province, and some military commissions also; it likewise contains charters of churches and other corporations, patents setting off new townships, with their boundaries, and very many other instruments of the greatest variety and interest.

Of the same character are Liber No. 18, or C 2, Liber No. 21, or C 3, and Liber AB. Liber AAA contains commissions issued under the constitution of 1776.

A calendar of these archives, to 1703, has been prepared and published by the New Jersey Historical Society, under the auspices of the State, as Volume XXI of the New Jersey Archives.

A similar calendar has been prepared of all the civil appointments recorded in the several volumes of commissions, together with those mentioned in Leaming & Spicer, the New Jersey Archives, and journals of the joint meetings of the legislature (1776–1800), comprising an approximately complete civil list of New Jersey, 1664–1800, including members of the council and assembly. The writer hopes to get this out sometime during the year 1905.

II. RECORDS OF WILLS.

Formerly, wills were recorded in the office of the East Jersey proprietaries at Perth Amboy, and in the office of the West Jersey proprietaries at Burlington. After the State capitol was located at Trenton, these records were placed in the office of the secretary of state, and the record of wills was continued without reference to the divisions of the State. The practice of recording wills in the secretary of state's office was continued until 1804, when surrogates were appointed for the respective counties, in whose offices the wills of the persons dying in such counties were recorded.

The records of wills in the office of the secretary of state comprise 52 volumes: Liber A to Liber M, of East Jersey wills, and Liber No. 1 to Liber No. 40 of West Jersey wills. The earlier volumes are divided between the two divisions, but the later volumes contain records of wills in nearly chronological order of their probate, without reference to locality.

The original wills were required to be deposited in the office where they were recorded, and most of them are to be found in the secretary's office. About 300 early wills which should have been recorded, but were not, have been arranged and bound up, together with inventories and other papers pertaining to them, by the Emory process (between a species of silk paper), in 12 large folio volumes. This work has been done within the last three or four years.

The original wills offered for probate since 1804, after being recorded in the office of the surrogate where the testator died, have always been filed in the office of the secretary of state, where they are now carefully arranged by counties, alphabetically and chronologically, so that it is possible to find in a few minutes any original will that has been filed in the public offices during more than two hundred years.

A calendar of wills, 1671–1730, comprising full abstracts of all wills recorded in all the volumes of every character, of the original colony of New Jersey and of the divisions of East Jersey and West Jersey, together with abstracts of inventories, notices of granting of letters of administration and guardianship, etc., was published in 1904 (although dated 1901), as Volume XXIII of the New Jersey Archives. It forms an octavo volume of 662 pages, including an index of 131 pages, with an historical introduction of 89 pages, on the law and practice as to early will-making in New Jersey. The wills, etc., are arranged in alphabetical order of the testators' and intestates' names, from all parts of New Jersey.

III. RECORDS OF CONVEYANCES, ETC., FOR WEST JERSEY.

There is a regular series of 44 volumes of patents, deeds, etc., for West Jersey, designated as follows, with the periods covered by each:

B	1676–1702	X	1768–1770
AAA	1680–1719	Z	1770–1774
BB	1719–1721	AB	1768–1775
D	1721–1725	AC	1771–1774
DD	1730–1734	AD	1772–1774
E	1734–1739	AE	1773–1775
EF	1730–1744	AF	1773–1776
GH	1774–1747	AG	1774–1779
GG	1747–1750	AH	1776–1783
H	1746–1750	AK	1776–1784
HH	1750–1753	AL	1783–1784
IK	1753–1754	AM	1784–1786
K	1754–1758	AN	1786–1790
M	1756–1758	AO	1787–1790
N	1757–1776	AP	1790–1797
O	1759–1762	AQ	1792–1794
P	1760–1769	AR	1794–1797
Q	1761–1765	AS	1797–1801
R	1762–1765	AT	1801–1815
S	1763–1765	AV	1800–1815
T	1765–1768	AW	1815
W	1766–1768	AX	1833–1856

The books of deeds contain also mortgages, commissions, official bonds, and other instruments.

In addition to the foregoing are the following books of records, also relating to West Jersey:

Basse's Book of Surveys, made by Jeremiah Basse, at one time surveyor-general of West Jersey, governor of that division, and an important man in the province in the seventeenth century. His surveys give not only distances and courses but maps of most of the tracts surveyed and located.

Book A of Revell's Book of Surveys.

Gloucester Deeds, Liber A, 1G, Gloucester Deeds and Surveys 3. Gloucester C, Gloucester Deeds 2.

Salem Deeds 1, 2, 3, 4, 5, 6 (1695), 7—all small, thin folios.

Liber A, Nevill's Book of Deeds.

Salem Wills, A, 1687–1627, a small folio.

Salem Book 3, a small, parchment-bound volume.

Salem Book A, a similar volume.

Salem No. 1.

Fenwick's Surveys, 1676–1705.

Concessions, etc., 1681–1699, a large folio, containing "The Concessions and Agreement of the Proprietors, Freeholders and Inhabitants of the Province of West New Jersey, in America." Laws of West Jersey, 1681-1701. Oaths of office, averments of grand jury in 1686. Appointments of officers by the legislature. Proceedings of the assembly of West Jersey at Burlington 25 of 9th mo. 1685, to 15 of 3d mo. 1686. "The Assembly declared to y^e Governor y^t officers of State & Trust belong to them to nominate and appoint."

Salem Wills, parchment-bound, 31 pages.

Salem Records (Surveys).

Salem Wills and Administrations, 1691–1702.

Greenwich Surveys, bound in paper.

Liber No. 2, of probates of wills (Salem).

Liber A, town grants in New Salem, 1678–79.

"A Record containing the agreements, Acts and Laws of the Generall Assembly of the Province of West New Jersey as confirmed by the Governor thereof from the first Session att Burlington begun the 21st day of the nyneth Month called November in the year 1681" contains the proceedings of the assembly, May 2–6, 1682, with names of the members, names of the council, local officers appointed, laws passed, etc. On the reverse side is a record of deeds, contracts, list of servants indentured, etc.

Salem Surveys, No. 1, 73 pages.

Salem Surveys, No. 2, 18 pages, 1679–1683.

This seems to have been a common-place book and docket of James Nevill, register of West Jersey, justice of the peace, etc. It contains mortgages, wills, powers of attorney, bills of sale, lettings (with minute descriptions of the premises, houses, and other buildings, orchards, cattle, etc.), contracts, affidavits, averments, pleadings in law suits,

Salem Surveys, No. 2, 18 pages, 1679–1683—Continued.

and the famous Indian interpreter—a list of more than two hundred Indian words and phrases, with English translations. Mr. Nevill has also written herein an elaborate essay on the right of trial by jury, and even lapsed into poetry to express his contempt of certain neighbors who seem to have differed with him on this subject:

A River's mouth, is bigger than its head
So would the mouth of Pensilvania Spred,
over Superior; over all his peers,
over the English, finns, Sweads, & Min-heres,
Most horrible, monsterous, & most Barberous, hee
renderes known, & Common law, to be,
his will is, right or wrong, be't plaintife or defendt,
should have the Cause, if gold be at ye end ont,
for Averice & pride, he's not the least,
money's the thing, in th' bear's nose, & ring,
'tis that Commands the Beast.

"Standing waters will breed corruption & be offensive if it be not sometimes changed. And for men to be too long in office of government, is to have too little regard to others or the Dignity of the state."

Here is also set forth an averment dated 3, 19, 1688, by Peter Bildebeeke relative to some peculiar transactions which occurred "at the wake when Laus Hendrickson at ffines-point dyed and Stevens daughter Annaka Yereans and Wolla Woussen" were there, when Annaka made a remark about "a young Youdas wch is by interpretacon a divill in finns language"—showing that they had wakes in the Finnish settlement, and that the inhabitants at Finns' Point in 1688 still used their native tongue.

Salem surveys, 54 pages, 1, 17, 1684, to 29, 4, 1692.

Surveys, 1676.

Hunterdon mortgages, 3 volumes.

IV. MARRIAGE RECORDS.

As already noted, scattered through the early volumes of records are numerous mentions of marriage licenses, of marriages, and occasional divorces. These licenses were granted by the governor apparently under the idea that in New Jersey he stood in the place of the King, and so possessed the supreme ecclesiastical as well as the supreme civil power in the province.

In 1719 an act was passed regulating marriages, and requiring the granting of a license to marry unless banns were previously published at least three weeks before the marriage, either by announcement from the pulpit of a church or meetinghouse or by affixing the notice to the door of the same. This act fell into disuse about 1790, and was superseded in 1795 by other legislation doing away with the requirement for marriage licenses. By the act of 1719 the person taking

out a license was required to enter into bond to the governor of the province in the sum of £100 that there was no lawful impediment to the proposed marriage. The licenses appear to have been issued in blank, signed by the governor, and were furnished to clergymen and magistrates authorized to perform the marriage ceremony. When they performed the marriage they were required to take the bond, and the bond was returned to the office of the provincial secretary. Soon after the State capital was located at Trenton, these bonds were gathered together in the office of the secretary of state, about 1795. About 1880 the then secretary of state had them arranged and bound up in 32 stout folio volumes, containing about ten thousand bonds. He also caused an index to be prepared in the names of males and of females, one volume to each.

There is in the office, also, a small folio volume of printed blanks of marriage licenses, two to the page, from about 1728 to 1744, all filled out and signed. On the backs of these blanks are also entered records of marriages, so that the volume contains the record of about one thousand marriages between 1728 and 1744. These marriages are also included in the index above mentioned. This index also contains the record of sundry marriages from the miscellaneous records mentioned first above. This index was printed in the New Jersey Archives, Volume XXII, issued in 1903 (although dated 1900), comprising 465 pages arranged in alphabetical order, males first and females second, under each letter of the alphabet. This index gives the name of the man and of the woman, the place of residence of each, and the date of the marriage bond, which was usually, also, the date of the marriage license and of the marriage day. This volume also contains records of marriages in various churches and counties of New Jersey, the whole making a volume of 678 pages of such marriage records. The preface is an historical introduction of 126 pages by the writer, giving an account of the early marriage laws of New Jersey and influences bearing upon their formation, as the law of marriage among the Dutch, the Swedes, the English, the Scotch, in New England, Friends' marriage customs, early New York and Pennsylvania marriage laws, and the laws of New Jersey, with many documents taken from

the records, showing the practice as to marriage and divorce in the province.

V. MISCELLANEOUS RECORDS.

Beginning in 1790, the clerks of the several counties were directed to provide books in which deeds for lands within those counties were required to be recorded. Since that date it has not been customary to record conveyances of land in the office of the secretary of state, but there are a few records of that kind, particularly where the lands conveyed lie in two or more counties.

Similarly, in each county of the State the clerk is required to keep a record of returns of roads laid out. But where the roads are located in two or more counties the returns may be recorded in the office of the secretary of state, and there are several volumes of this character.

Under various statutes, many of them obsolete, many other documents are recorded or filed in this office.

VI. CORPORATIONS.

Since 1890, particularly, the corporation business has been the largest branch of the work of the secretary of state. All certificates of incorporation of every kind are required by law to be filed and recorded in the office of the secretary of state, and this business, especially in the period named, has assumed enormous proportions, the receipts running up to nearly $2,000,000 in some years.

RECORDS IN THE OFFICE OF THE CLERK OF THE SUPREME COURT.

A few years ago Benjamin F. Lee, who was clerk of the supreme court for twenty-five years, 1872–1897, undertook to arrange and classify the records of his office, devoting his entire time and personal attention to the work for several years. The former records of the court are in a series of bound volumes, a few of which may be here enumerated:

First. Minutes and rules of the supreme court, 1704–1844, in 54 folio volumes.

Second. Judgments, 1713–1807, 9 folio volumes.

Third. Supreme court minutes and memoranda, 1782–1817, 16 folio volumes.

Fourth. Supreme court docket, 1731–1775, 11 small folio volumes.
Fifth. Liber A, for judgments, 1755–1758.
Sixth. Minutes of the supreme court, 1761–1775.
Seventh. Account books, 1769——
Eighth. Clerk's book, 1805–1858, 6 folio volumes.
Ninth. Executions, 1770–1781.
Tenth. Petitions, 1836–1887, a very large folio.
Eleventh. Book of rough entries—an account with the attorneys of the court in alphabetical order, 1769–1776.

Other volumes contain records of proceedings in partition, records of roads laid out, judgments, manumissions of slaves, township and county lines, recognizances, ejectments, discharges of insolvent debtors, and a variety of other entries.

The entries in the books of minutes in many cases are quite full, giving a fair idea of the character of the suits. Jury trials were quite common until about 1795, since which time it is believed there have been no jury trials at the bar of the supreme court. In 1794 the New Jersey Society for Promoting the Abolition of Slavery published at Burlington, N. J., a pamphlet of 32 pages, containing reports of "Cases adjudged in the Supreme Court of New Jersey, relative to the Manumission of Negroes and others holden in bondage," the cases in question being decided in the supreme court from the November term, 1775, to the May term, 1793. The law at that time provided that where a master freed his slave, either by will or by his own act during his lifetime, he should either provide or give security that the slave would not become a public charge. In many cases the masters, in giving their slaves their freedom by will, failed to provide for their support, and the heirs frequently claimed to own the slaves on account of this failure. In a long series of cases cited in this pamphlet, the courts quite uniformly construed the law in the most favorable manner in the interest of the freedom of the former slave. The first case reported in this pamphlet, the King against Esther Barber and others, is more fully reported in New Jersey Archives, second series, Volume I, pages 19–22.

The records mentioned above have been continued, of course, to date, with additional series of entries of different classes in order to facilitate the business of the office, the whole being thoroughly systematized and the files properly indexed.

To the delver for historical material, the original files of the office for a period of more than two hundred years back are of the very greatest interest and value. Mr. Lee spent years in gathering these papers together, sorting them out, and arranging them in some order. All the papers belonging to each case were grouped together and placed in a stout manila envelope, which was numbered. There are 47,242 such envelopes, each containing probably on an average five separate papers, making the total fully 200,000 distinct papers. These documents are arranged in the name of the plaintiff, and where there are several plaintiffs, in the name of the first plaintiff named in the case. The papers are arranged in this way alphabetically. The system is by no means ideal, but it is at least a clue, and when one considers the enormous amount of labor in thus sorting out, arranging, and classifying 200,000 separate papers, many of them extremely dilapidated and fragile, placing them in envelopes, and in turn placing these envelopes in tin file-boxes, about 3,000 in number, too much credit can not be given to the indomitable energy and unflagging patience of the public officer who gave so much of his personal time and attention to the work. Of course a card index to every name would be very desirable, but legislatures are not prone to be lavish of the public money in such directions.

Every conceivable class of litigation is included in these papers, and the mind runs riot in the wildest conjecture as to their character and contents.

All the records, particularly those intimated above, including these miscellaneous papers, are in the upper story of a fire-proof vault in the office of the clerk of the supreme court, and are readily accessible on application to that most courteous and obliging official (William Riker, jr.).

RECORDS OF THE CLERK IN CHANCERY.

The records of this court extend back to 1744, but for something like one hundred years after that period have not been arranged or classified. One of the oldest documents in the office of the clerk in chancery is the original manuscript of the famous Elizabethtown Bill in Chancery, covering two or three hundred sheets of parchment. This was printed in

1747. The business of this office has increased so enormously of late years, largely because of the great increase in the corporation business, that the clerk has found it impossible to devote any time to working over or arranging the ancient records. They would undoubtedly furnish a great deal of material of interest and value to the historian.

RECORDS IN THE STATE LIBRARY.

Journal of the governor and council, 1682–1700. This is a stout folio manuscript volume. It is printed as a part of Volume XIII, New Jersey Archives.

Journals or minutes of the house of assembly, 1703 to date. The original manuscript volumes. The journal, 1703–1710, was printed by order of the legislature in 1872.

The journal of the governor and council, 1703–1776, is not known to exist. It is believed to have been carried away by Governor Franklin when he was taken to Connecticut by order of the Continental Congress in June, 1776. Copies of the journal, however, were regularly transmitted to England and are preserved in the Public Record Office in London. Transcripts from these copies were procured about thirty years ago, the legislature of New Jersey having made an appropriation for the purpose, and from these transcripts the journals have been printed in the New Jersey Archives, Volume XIII to Volume XVIII.

Journal of the Provincial Congress and Council of Safety of New Jersey, 1775–1776. This was published by the State in 1835, and again in 1876.

Journal of the Council of Safety, 1777–78. This was published by order of the State in 1872.

Journals of the legislative council, 1776–1844. These have been regularly printed by the State from time to time, and the printed volumes, as well as the original manuscript, are in the State library.

Journals of the senate (succeeding the legislative council), 1844 to date. These have also been regularly printed by the State, and the printed journals, as well as the original manuscript records, are in the State library.

Letters to the governor, 1776–1786.—There is a bound volume of autograph letters signed, letters signed, and documents

signed, addressed to Governor William Livingston, by Washington and other officers of the Continental Army, officers of the State militia, officers of the Continental Congress, the New Jersey Delegates in Congress, and others. They were printed in 1848, by order of the State, in a volume entitled "Selections from the Correspondence of the Executive of New Jersey, from 1776 to 1786," Newark, 1848, 8vo., pp. (4), xvi, 368. Some of the originals have been mutilated or removed from the volume in the State Library since they were printed.

A collection of five manuscript volumes of original letters to Governor Livingston, 1776–1790, is in private hands in New Jersey.

Acts of the legislature.—The original manuscripts, prior to 1776, are not known to exist. Since that time, and particularly of late years, they have been carefully preserved. For a detailed bibliography of the printed laws, 1703–1800, see first report of the public record commission of New Jersey, 1899. Said report contains also a bibliography of the printed proceedings of the legislature from 1707 to 1776.

Correspondence with the Executive.—A bound volume of letters—autograph letters signed, letters

Damages sustained during the Revolution.—The legislature by an act passed December 20, 1781, appointed three commissioners in each of the several counties to take proofs of damages claimed to have been sustained by citizens of the State at the hands of the British armies in their marches through New Jersey. These commissioners went through the counties and took affidavits of the claimants as to their alleged losses. They also in some cases took proofs of claims of losses alleged to have been sustained at the hands of the Continental armies, with a view to presenting them to the Continental Congress. These original claims were afterwards gathered together and bound up in volumes, five or six in number, and said volumes are preserved in the State library. In 1904 the old volumes were taken apart and the contents rearranged, and those of each county bound together. Some account of the contents of these volumes is given in the above-mentioned report of the public record commission for 1899, pages 97–113. These volumes are of very great interest to the historian. Some extracts from them were published about

fifty years ago by Charles D. Deshler, of New Brunswick, N. J., in Harper's New Monthly Magazine.

RECORDS OF THE ADJUTANT-GENERAL.

The late William S. Stryker, adjutant-general of New Jersey, 1866–1900, very soon after entering upon the duties of his office began to arrange and procure additional material relative to the part that New Jersey took in the war of the Revolution. He published the first results of his labors in 1872 in a stout octavo volume containing lists of the officers and men of New Jersey in the Revolution. The names of the officers were arranged according to the regiments; the names of the privates were arranged in two alphabetical series. It was the first attempt of the kind by any State in the Union and formed the nucleus for a more systematic effort in the same direction, which was carried on by General Stryker for more than twenty-five years and until the time of his death. His efforts were directed to procuring complete lists of the officers and men of New Jersey from the earliest dates until and including the Spanish-American war in 1898. Clerks have been employed for many years in going over the records of the Pension Office and War Department at Washington. Since his death the work has been continued by his successor, Adjt. Gen. R. Heber Breintnall, the researches being particularly under the direction of Deputy Adjt. Gen. Col. J. S. Kiger. As a result of these prolonged and well-directed, systematic efforts, the State of New Jersey has now in its possession rolls of five or more companies who served along the Delaware under the Swedish Government, 1635–1638; also very full rolls of troops who served in the colonial wars; also very full rosters of troops who served during the Revolution; also similar rosters of troops who were mustered in for service in the suppression of the whisky rebellion in western Pennsylvania in 1794; also very full rosters of the troops engaged in the war of 1812; also, those serving in the Mexican war, 1845–1848. Generel Stryker published in 1878, in two large folio volumes, very full rosters of the New Jersey troops who served in the war of the rebellion. The office has also very complete rosters of the New Jersey officers and soldiers who served in the Spanish-American war, 1898. Very full rosters

have also been obtained of sailors of New Jersey who served in the various wars. Parts of these records are already in print, but the portions relating to the colonial troops and to the soldiers of the Revolution are still incomplete and not printed.

UNCLASSIFIED ARCHIVES IN THE STATEHOUSE CELLAR.

The statehouse at Trenton has been partially destroyed by fire on two or three occasions, and at each fire many of the records were hastily carried out and bundled together promiscuously. A large quantity of miscellaneous papers have thus been accumulated in the cellar of the statehouse, and as they were not required in the current business they have never been classified or arranged. Many of these papers date back to the colonial period, two hundred years or more ago. Among them are petitions to the legislature and other documents of a miscellaneous character.

GENERAL SUMMARY.

In the foregoing account of the archives of New Jersey, particular reference has been paid to the older records, and especially to those having a bearing on the history of the State.

There have been organized from time to time a great many other offices than those above enumerated, and these offices have accumulated their own records, but most of them date back not more than thirty-five years.

PUBLISHED LEGISLATIVE DOCUMENTS.

Until about 1870 it was the custom to print reports of the State officers and State commissions as an appendix either to the journal of the senate or to the assembly minutes. Beginning about 1870, however, the plan was adopted of gathering these reports into a separate volume labeled "Legislative documents." This was originally a volume of two or three hundred pages. With the increase of the business of the State, the series of documents has now grown to five or six very stout volumes, embracing reports of more than forty different officers, boards, and commissions. The following is a list of these reports for the year 1900, to which is added a memorandum of the law calling for them.

Document No. 1.—Second annual message of Foster M. Voorhees, governor of New Jersey, to the legislature. 8°. Pp. 19.

Reviews the finances of the State; the condition of building and loan associations; refers to the public library commission; the school law and the apportionment of school moneys; State institutions; progress of the revision of the statutes; the proposed constitutional amendments, and the pollution of rivers and streams.

The State constitution provides that the governor "shall communicate by message to the legislature at the opening of each session, and at such other times as he may deem necessary, the condition of the State, and recommend such measures as he may deem expedient." (Article V, par. 6.)

Document No. 2.—Report of the joint committee on treasurer's accounts, and of the State treasurer, to the legislature of New Jersey, with the treasurer's report to the governor on the finances of the State and the sinking fund, for the fiscal year ending October 31, 1900. 8°. Pp. 681.

Comprises a report by the joint committee of the legislature that they have examined the accounts, bank balances, and securities of the State and find them correct; also that the securities belonging to the several funds have been examined, and are all properly accounted for and are in the possession of the treasury.

The treasurer's report contains a statement of all payments, giving the dates of payments and names of payees, with the amount paid in each case. Total receipts, State fund, $3,623,795.71, including $1,112,449.49 from railroads and $1,494,719.70 from taxation of miscellaneous corporations; disbursed, $2,871,726.97. Also a similar detailed statement of receipts and expenditures on account of the school fund: Investments, $3,690,682; receipts from State school tax, $2,333,550, and from other sources $856,113.94; total, $3,189,663.94; disbursed, $3,110,224.24. Also similar detailed statements of various other accounts; also report of the sinking fund on account of war debt, the total assets being $207,526.45 and the amount of the war debt $71,000 (since paid off, January 1, 1902).

The State treasurer is appointed by the senate and general assembly for the term of three years. (State constitution, article 7, sec. 2, par. 3.)

The State treasurer is required "to make reports and give information to either branch of the legislature, in person or in writing, as he may be required, respecting all matters referred to him by the senate or house of assembly, or which shall appertain to his office, and generally to perform all such services relative to the finances as he shall be directed to perform." (An act respecting the office of treasurer, approved Apr. 17, 1846, sec. 6, Gen. St., p. 3173.)

Document No. 3.—Annual report of the comptroller of the treasury of the State of New Jersey for the year ending October 31, 1900, with abstracts of the amount of ratables and financial statements from counties, townships, etc. 8°. Pp. 104, 28, 555.

This report embraces a summary of receipts and disbursements on account of State fund and State school fund, a detailed statement of

receipts and disbursements under the heads of the several accounts, similar to those kept by the State treasurer, but not giving lists of all the warrants paid with the names of the payees. This fills 100 pages of the report. Pages 101–104 are filled with abstracts of ratables, showing the taxable property in the several counties for the preceding year, as assessed for school and local purposes. The total for 1899 was $864,516,527; for 1900, $891,237,286.95, a net increase of $26,720,759.95. Details are given showing the total valuations of real and personal property taxable in New Jersey, from 1883 to 1900, both inclusive, the total for the former year being $548,495,069.

Abstracts of ratables for the several counties for the year 1900 are added, giving the assessors' valuation of real estate, personal property, exemptions, amount taxable, acres of land, number of polls, State school tax, bounty and interest, county expenses, poor taxes, deficiency and interest in tax cases, by boroughs, townships, and cities in the several counties. (Pages 28.)

A third and extremely interesting part of the comptroller's report consists of detailed financial statements of the several counties, and of the boroughs, cities, towns, and townships in each county, showing amount of funded debt, purpose for which contracted, when the same falls due, amount of floating debt, sinking fund, real estate taxable, personal property taxable, amount of taxes raised and receipts from all other sources in detail, expenditures in detail by the several accounts, etc. (Pages 555.)

The comptroller is appointed by the senate and general assembly for the term of three years. (State constitution, art. 7, sec. 2, par. 3.)

By section 15 of an act entitled "An act creating the office of comptroller of the treasury, and defining the duties thereof," approved March 17, 1865, it is provided "that the comptroller shall, within ten days after the annual meeting of the legislature, report to each house the financial condition of the State, an estimate of expenditures for the succeeding year, arranged under their appropriate heads, together with all the transactions of his office; and the usual number of printed copies of the report for the use of the senate and general assembly, shall accompany the same; the printing to be executed by the current printer to the legislature of the year for which the report is made." (Gen. St., p. 3178.)

By a supplement, approved March 18, 1881, the several county and municipal authorities are required to report annually to the comptroller a statement of the financial condition of their respective counties, townships, cities, towns, or boroughs, and the comptroller is required to lay copies of the statements before the legislature at the time of making his annual report. (Gen. St., p. 3180.)

Document No. 4.—Tenth annual report of the State board of taxation of the State of New Jersey, for the year ending October 31, 1900. 8° Pp. 253.

This report embraces a review of the proceedings of the board during the year, its rules for the guidance of assessors, remarks on

persons and property subject to taxation, and property and persons exempt from taxation, polls, and property, where and to whom assessed, the assessment, how it is made, deductions for debts; corporations, how assessed; the laws governing county boards of assessors, and commissioners of appeal; the constitution and jurisdiction of the State board of taxation, the method of appeals to the State board from the local assessors; proceedings for the enforcement and collection of taxes on personal property by the sale of goods or chattels; proceedings for the enforcement and collection of taxes on real estate by the sale of lands; miscellaneous provisions; tax collectors, their terms and special powers; assessors' returns of real and personal property taxable; rules regulating appeals to the State board of taxation; form of complaint; form of judgment; list of assessors for the year 1900.

The State board of taxation consisted of three members appointed by the governor, by and with the advice and consent of the senate, holding office for the term of five years. It was constituted by an act entitled "A general act concerning taxes," approved March 19, 1891. The act defines the duties and powers of the board.

Section 12 provides that "they shall annually report to the legislature, particularly specifying any means or practices or devices used for the evasion of proper taxation; they shall annually submit to the legislature such recommendations as they may find necessary to prevent the evasion of just and equal taxation." (Gen. St., 3344–3347.)

By a supplement approved May 17, 1894, the board is to consist of four members. (Gen. St., 3347.)

Document No. 5.—Digest and compilation of the statutes and decisions regulating the assessment and collection of taxes in New Jersey. 8° Pp. xiii, 210.

The contents are indicated by the title. Pages 157–185 contain blanks and forms; pages 187–210, index. This document is compiled under the direction of the State board of taxation, and is virtually a part of the report of that body. It is prepared specially for the use of assessors and collectors.

Document No. 6.—Report of New Jersey State board of children's guardians for the year 1900. 8° Pp. 21.

This report rehearses briefly the duties of the board and the methods which it has adopted for their performance. Upon the commitment of a child to any almshouse as a public charge, it becomes the ward of this board, whose agent then visits its parents and relatives to make sure that the child is properly a public charge. As the result of such investigation, the various communities throughout the State have been relieved of the support of 309 children, who were returned to relatives found able to care for them. The board is required by law to remove a child from the almshouse within thirty days after its commitment, and to place it in a family of the same religious faith as its parents, paying board for it when necessary or expedient. The board reserves the right to remove children, at its discretion, from the

custody of persons with whom they have been placed. The board has virtually emptied every almshouse in the State of its juvenile inmates, excepting Hudson County. The acting superintendent's report is included in the report of the board; also report of the treasurer, showing expenditures of $3,376.21, of which $2,800 was appropriated by the State.

The State board of children's guardians is constituted by virtue of chap. 165, laws of 1899. (Pamph. Laws, 1899, p. 362.)

The act provides that there shall be appointed by the governor seven persons, two of whom shall be women, who shall be known as the state board of children's guardians, two of whom shall hold office for two years, two for four years, and three for six years, as shall be indicated by the governor on making their appointment, and thereafter all appointments, except to fill vacancies in the said board, shall be for six years, and shall be made by the governor; said board shall receive no compensation for their time or services, but the actual and necessary expenses of each of them while engaged in the performance of the duties of his or her office. The act embraces fourteen sections, defining the powers and duties of the board.

Section 5 provides that "the State board shall report from time to time to the governor, and make a yearly report to the governor and legislature of the State, showing in detail the work of said board for that time."

Document No. 7.—Annual report of the riparian commissioners of the State of New Jersey, for the year 1900, with accompanying documents. 8° Pp. 28.

"An act to ascertain the rights of the State and of the riparian owners in the lands lying under the waters of the Bay of New York and elsewhere in the State," approved April 11, 1864, provided for the appointment of commissioners to make surveys of the lands lying under waters of the Bay of New York and of the Hudson River and vicinity, and under the water of the Delaware River opposite the county of Philadelphia, and report with maps thereof and as to the value of such lands. A supplement of 1869 prescribes the proceedings for securing leases of lands under water, the proceeds to be applied, first to the payment of appropriations authorized by the State, and then to the payment and liquidation of the State debt, and the rest to be invested and the interest paid annually to the trustees of the school fund, to be appropriated by them toward the maintenance of free schools. Other supplements authorize the conversion of leases into freeholds upon payment of the capital sums represented by the interest. The provisions of the act were also extended to all riparian lands of the State on the ocean front, etc. The board now consists of the governor and four commissioners appointed by the governor, by and with the advice and consent of the Senate, for the term of five years, not more than two members of the board to be of the same political party. All the proceeds are now paid over to the trustees of the school fund. By

an amendment to the constitution in 1874 all the moneys paid to that fund are required to be kept inviolate for that purpose.

The annual report for 1900 shows receipts during the year of $160,961.98, from grants in fee, leases, licenses, conversions of leases into grants, and rentals. The report of the engineer gives a list of all grantees or lessees, dates, localities, and amounts paid, or secured to be paid to the State. The expenses of the board amounted to $6,578.79.

Document No. 8.—Annual report of the commissioners of pilotage of New Jersey, November 1, 1899, to November 1, 1900. 8° Pp. 16.

"An act to establish and regulate pilots for the ports of Jersey City, Newark, and Perth Amboy, by the way of Sandy Hook," approved April 17, 1846, as amended by subsequent legislation, provides that the governor, by and with the advice and consent of the Senate, shall appoint six commissioners of pilotage, not more than three to be of the same political party, to be selected from among such persons as have been officers in our naval, revenue, or marine service, or such as have been owners of vessels engaged in our coasting trade, the commissioners to hold office for three years. They may appoint branch pilots after due examination touching their qualifications for such employment, make rules, fix compensation, rates of pilotage, and regulate apprentices. By section 26 of the act the commissioners are required to report annually to the legislature all bonds taken by them from licensed pilots, and an abstract of the proceedings within the year, together with a statement of the number of pilots in commission, and the number of vessels taken in and out, and such observations in relation to the system of pilotage as in their opinion may tend to the benefit of the cause of commerce and may be of advantage to the general interests of this State.

The annual report of the commissioners for 1900 gives details of wrecks, collisions, etc., during the year; also a summary of expenditures of the United States Government for the improvement of navigable channels of the State. The expenses of the board for the year were $1,046.52. Details are also given of the kind and number of vessels piloted, inward and outward, for each month.

Document No. 9.—Twenty-third report of the bureau of statistics of labor and industries of New Jersey, for the year ending October 31, 1900. 8°. Pp. 309.

"An act to establish a bureau of statistics upon the subject of labor considered in all its relations to the growth and development of State industries," approved March 27, 1878, provides that there shall be appointed, on nomination of the governor, to be confirmed by the senate, some suitable person to act as chief of and who shall constitute a bureau of statistics, to hold office for five years. He shall collect, assort, systematize, and present in annual reports to the legislature statistical details relating to all departments of labor in the State, especially in its relations to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and in all

suitable and lawful ways foster and enlarge our manufacturing and every other class of productive industry, with the view to their permanent establishment upon a prosperous basis, both to the manufacturer and the employee. The compensation of the chief to be $2,500 per year and $2,000 for expenses, exclusive of printing. The secretary and assistants to be appointed by the governor; the secretary to have a salary of $1,200.

The annual report of the bureau presents statistics of manufactures by 1,738 concerns, with $48,757,189 capital invested by private firms and $206,922,361 capital invested by corporations, the latter having 28,774 stockholders. Value of material used, $200,901,940; selling value of goods made, $355,465,970; average number of persons employed, 176,954; yearly wages, $257.57 in silk throwing to $805.34 in the brewing industry; average number of days in operation in all industries, 289.32; average number of hours employed per day, 9.73. Part II shows the movement of wages and employment in New Jersey during the year 1899, pages 149–177. Part III treats of trade unions, and gives name, location, membership, rate of wages, hours of labor, and benefit features, pages 207–227; lists of unions, pages 208–209; other statistics, pages 210–227; steam railroad transportation in New Jersey, pages 229–238; street railways of New Jersey, pages 239–242. Part IV is a study of the glass industry and the company stores in South Jersey, pages 245–264; labor legislation at the session of 1900, and court decisions, pages 265–280; the Jewish colonies of South Jersey, pages 283–308; chronology of events and occurrences relating to labor and industry in New Jersey, pages 309–329.

Document No. 10.—Eighteenth annual report of the department of factory and workshop inspection of the State of New Jersey, 1900. 8°. Pp. 325.

"An act to limit the age and employment hours of labor of children, minors and women, and to appoint an inspector for the enforcement of the same," approved March 5, 1883, provides for the appointment of a factory and workshop inspector and deputy inspector to be appointed by the governor with the advice and consent of the senate, at a salary of $1,200, for the term of three years, who is empowered to visit and inspect factories, workshops, mines, and other establishments in the State where the manufacture or sale of any kind of goods is carried on, and to report annually to the governor. It shall also be the duty of said inspector to enforce the provisions of this act and prosecute all violations of the same. By a supplement of 1884 the inspector is also authorized and required to enforce the provisions of all laws relating to the sanitary condition of factories and workshops, and to the employment, safety, protection, and compulsory attendance at school of minors, and to institute all suits or actions, in the name of the inspector, for the violations of any of the provisions of this act; the deputy inspectors shall be appointed by the inspector, with the approval of the governor and comptroller, their salaries to be $1,000, and the inspector's salary $1,800. A supplement of 1886 authorizes the appointment of three deputies at the same salary,

to hold office for one year. A supplement of 1889 provides for the appointment of six deputies at the same salary, to hold office for three years. All the legislation on the subject was revised in 1904.

The annual report for 1900 gives copious statistics of 4,564 factories, bakeries, and mines inspected. Also the factory laws of the State, pages 309–323.

A supplement of 1900 provided for the appointment of a deputy chief of the bureau to take the place of the secretary of the bureau, the salary to be fixed by the chief and approved by the governor; the chief may also employ clerks and assistants, and, with the approval of the governor, fix their compensation.

Document No. 11.—Seventeenth annual report of the State board of assessors of the State of New Jersey, for the year 1900. 8°. Pp. 923.

By an act approved April 10, 1884, amended by various subsequent acts (especially those of June 10, 1886, and March 27, 1888), it is provided that all railroad and canal property in the State shall be assessed by a State board of assessors, consisting of four persons appointed by the governor, by and with the advice and consent of the senate, not more than two members of the board to be of the same political party. The board shall ascertain the valuation of such property, and there shall be levied thereon for general State purposes a tax of one-half of 1 per cent annually, and a local tax in each taxing district of not more than 2 per cent upon the property other than the main stem, personal property, and franchise of such companies. The act also authorized the State board to assess other corporations, which shall pay to the State an annual license fee or franchise tax. The board is required to report annually to the legislature. (Gen. St., 3334, pp. 243.)

The report for 1900 gives the total length of railroad track in New Jersey, 4,785.116 miles. Canals and feeders, 173.340 miles. Capital stock of such companies, $153,024,363; bonded debt, $175,062,105; total, $328,086,468; gross earnings for 1899, $49,904,213. Miscellaneous corporations, 6,602; State tax levied on such corporations, $2,048,008. List of gas and electric light companies, pages 26–29; life insurance companies, page 30; other insurance companies, pages 31–32; telegraph, telephone, cable, and express companies, pages 34–35; companies taxed upon their capital stock, pages 36–268; assessments levied by the State board of assessors on property of railroad and canal companies for 1900, pages 273–921. This latter statement embraces full details of the financial condition of the various railroad and canal companies.

Document No. 12.—Supplemental report of the State board of assessors of the State of New Jersey—Reports of cable, electric, and horse railroad companies, for the year ending December 31, 1900. 8°. Pp. 68.

This report gives full details as to the capital stock, debt, cost of construction, expenditures and operating expenses, income, dividends, track mileage, etc., of the various companies.

Document No. 13.—Annual report of the State librarian of New Jersey for the year 1900. 8°. Pp. 71.

One of the earliest acts of the New Jersey legislature relating to a State library was passed in 1813. The library was a very small institution, however, until within the last forty years. Formerly, the librarian was appointed annually by the legislature, the office being regarded as a political perquisite of the party in power. An act was approved March 29, 1878 "to regulate the State library." It placed the library under the control of a board of commissioners to consist of the governor, chancellor, chief justice, secretary of state, treasurer, and comptroller; subsequently, the attorney-general was added. This board has power to make rules, control expenditures, and to appoint a librarian, who shall hold office for five years, unless sooner removed by a unanimous vote of the commissioners. He shall annually report to the legislature a full and complete statement of the condition of the library. He shall have bound and preserved in the library twenty copies of the laws and joint resolutions, journals of the senate and general assembly, and legislative documents. He shall distribute to the executive of each State and Territory one set of the laws and other publications of the State. All bills and joint resolutions failing of passage by the legislature shall be delivered to the librarian. An annual appropriation of $3,000 is made for the repair, preservation, and purchase of useful books. The annual report for 1900 states that at the close of 1899 the number of books, pamphlets, magazines, and newspapers was reported to be 52,171. The additions during the year 1900 were 2,915, of which 937 were from the United States Government; 605 from other States and Territories and Canada, and 365 purchased for the law library.

The present librarian, Henry C. Buchanan, has shown great zeal and intelligence in strengthening the historical department of the library, securing rare books and early newspaper files. A recent feature of the library has been the department of traveling libraries, made up of books selected by the State librarian, and sent to small places throughout the State, where it would be impracticable to establish a local library. During the year 1900 there were forty-two such traveling libraries, containing 2,440 volumes.

A feature of special interest in the report for 1900 is a list of New Jersey books and pamphlets in the State library, pages 13–71.

Document No. 14.—Twenty-fifth annual report of the managers and officers of the New Jersey State hospital at Morris Plains, for the year ending October 31, 1900. 8° Pp. 95.

By an act passed in 1871, commissioners were appointed by the legislature to provide additional accommodations for the insane of this State, with authority to buy a site and erect buildings. Under this and subsequent legislation they erected a palatial stone building of the most durable character, at a cost of nearly $3,000,000, which was considered at the time the finest building of the kind in the world.

In August, 1876, the building was ready for occupancy, and 292 patients were transferred thither from the State lunatic asylum at Trenton, up to that time the only asylum in this State. By subsequent legislation the appointment of the board of managers was vested in the governor, by and with the advice and consent of the senate. This institution was called "The State Asylum for the Insane at Morristown, New Jersey." By an act approved March 11, 1893, the name was changed to "The New Jersey State Hospital at Morristown." By the same act the management of both the State asylums was vested in a single board of managers, who, by a supplement approved May 17, 1894, were to consist of eight persons, not more than four to be of the same political party, to be appointed by the governor, by and with the advice of the senate. By later legislation the former practice of having a separate board for each hospital was resumed.

The report for 1900 states that of the original 292 patients 37 are still in the hospital; 18 recovered; 28 were discharged improved; 66 unimproved, and 149 died without regaining their reason. The total number of patients admitted was 5,766, of whom 2,229 were discharged restored or improved. During the year 323 patients were received, of whom 272 were first admissions; 236 were discharged; total remaining, 1,389, of whom 696 were men and 693 women. The document includes report of the board of managers, pages 7–16; report of the medical director, 17–27; statistical appendix to the medical director's report, pages 29–41; report of resident pathologist, 45–58; treasurer's report, 61–63; receipts, $344,033.88; disbursements, $338,538.50; warden's report, pages 67–74; abstract of accounts, pages 75–79; requirements for admission of patients to the State hospitals of New Jersey, pages 81–95. The report is accompanied by many full-page illustrations of the buildings and grounds.

Document No. 15.—Fifty-third annual report of the managers and officers of the New Jersey State hospital at Trenton. 8° Pp. 62.

In 1842 the legislature adopted a resolution respecting the care of the insane, and in 1845 an act was passed for the establishment of the New Jersey State Lunatic Asylum at Trenton. Commissioners were appointed by the supreme court, and this system was continued for more than thirty years, after which the managers were appointed by the governor, by and with the advice and consent of the senate. The commissioners first appointed purchased a tract of several hundred acres of land, a short distance south of Trenton, and erected a handsome series of buildings of stone and brick. This was the only asylum in the State until the erection of that at Morris Plains. The commissioners were required to report annually. The report of the board of managers for the year 1900 shows that there were admitted during the year 265 patients, and 318 were discharged, of whom 84 were discharged as recovered, 30 as improved, 8 as unimproved, 104 died, and 91 were removed to other institutions; there remained at the close of the year 1,117 patients. The annual report embraces report of the board of managers, pages 7–13; report of the warden, pages

15–22; abstracts of receipts and disbursements, pages 23–24; appendix to warden's report, showing work done on the farm and in the buildings, pages 25–28; medical directors' report, pages 29–40; pathological report, pages 43–48; by-laws and forms, etc., pages 49–62.

Document No. 16.—Tenth annual report of the State board of medical examiners of New Jersey, 1900. 8° Pp. 48.

"An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof," approved May 12, 1890 (Pamph. laws, 1890, p. 300), and superseded by an act of the same title, approved May 22, 1894 (Pamph. laws, 1894, p. 454), provides that the governor shall appoint, by and with the advice of the senate, a State board of medical examiners, to consist of 5 old-school physicians, 3 homeopaths, and 1 eclectic, to hold office for three years. All persons hereafter commencing the practice of medicine and surgery in this State shall apply to the State board for a license so to do. The provisions of the act shall apply to persons professing and attempting to cure diseases by means of the so-called system of "faith-curism," "mind-healing," "laying-on-of-hands," and other similar systems. "An act to regulate the practice of midwifery," approved March 28, 1892, requires midwives to be licensed by the State board of examiners also.

The annual report of the board for 1900 states that 113 candidates applied for examination; 91 were licensed, of whom 25 per cent held a degree in the arts or sciences; 21 failed to pass the examination and 1 was expelled for cribbing; 19 midwives were licensed during the year. The board has tried to raise the academic requirements of licentiates. Licentiates of other States are granted licenses to practice in New Jersey on payment of $50, provided the requirements of other State examining boards are substantially the same as those of this State. Thirty-nine universities and colleges were represented by the applicants for licenses during the year. The report gives a list of the licentiates for the year, a list of the midwives licensed; a synopsis of requirements for a license to practice medicine and surgery, and of the penalty imposed for unlawful practice; rules for conducting medical examinations, and questions submitted at the examinations in June and September, 1900.

Document No. 17.—Eleventh annual report of the State board of registration and examination in dentistry, of New Jersey. 8° Pp. 17.

"An act to regulate the practice of dentistry and to protect the people against empiricism in relation thereto in the State of New Jersey," approved March 14, 1873 (Pamph. laws, 1873, p. 52), provided for the appointment of a State board of dentists to consist of five practitioners of dentistry, to be elected by the New Jersey State Dental Society, to serve for one year; said board to prescribe a course of reading for those who study dentistry under private instruction, to grant a certificate to all applicants who undergo a satisfactory examination, and to keep a register of all persons having certificates to practice dentistry in New Jersey. "An act to regulate the practice of dentistry in the

State of New Jersey," approved April 7, 1890 (Pamph. laws, 1890, p. 227), provided for the appointment of a State board of registration and examination in dentistry, to consist of 5 resident and practicing dentists, to be appointed by the governor, upon the recommendation of the State Dental Society. All licenses to practice dentistry shall be issued by said board. By a subsequent act old practitioners were required to register also.

The annual report for 1900 states that 25 licenses had been granted, at $25 each, and gives a list of those licensed, and also of all dentists registered in New Jersey, 440 in number.

Document No. 18.—Twenty-fourth annual report of the board of health of the State of New Jersey and report of the bureau of vital statistics, 1900. 8° Pp. 397.

"An act to establish a State board of health," approved March 9, 1877 (Pamph. laws, 1877, p. 220), provided for the appointment by the governor of 7 persons, who, together with the secretary of state and the attorney-general, should constitute the board of health of the State of New Jersey, the persons appointed by the governor to hold office for seven years, one retiring annually. The board was authorized to take cognizance of the interests of health and living among the citizens, to make sanitary investigations, etc., at a total expense of not exceeding $1,000. By various supplements the powers of the board were enlarged from time to time, these supplements being embodied in a revision entitled, "An act to establish in this State boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March 31, 1887 (Pamph. laws, 1887, p. 80). By this act the State geologist was added to the State board. The board is now authorized to make sanitary investigations throughout the State on the most extensive scale, to appoint sanitary inspectors, to go into any part of the State to investigate epidemics, drainage and sewerage, investigate the public institutions of the State, and water supply, sanitary conditions of factories, schools, etc.; also to compile vital statistics. By various acts all certificates of births, marriages, and deaths throughout the State are required to be filed with the State board of health.

The annual report for 1900 comprises a report by the secretary, pages 1–80, setting forth tables of births recorded for each year, 1885–1900, the number increasing from 25,189 to 32,270; marriages, 1890–1900, the number varying from 15,954 in 1890 to 18,774 in 1896 and 14,611 in 1900; deaths for the year ending June 30, 1900, 31,474; population, 1900, 1,883,669; death rate for the year, 16.70 per thousand. Summary of reports from local boards of health, pages 81–199; list of sanitary districts, population, diseases, etc., pages 200–214; epidemic outbreaks, pages 215–242; contagious diseases of animals, pages 243–251; public water supplies, pages 253–287; report of bacteriologist, pages 289–300; circulars and laws, pages 313–342; report of bureau of vital statistics, pages 347–393.

Document No. 19.—Annual report of the commissioner of banking and insurance relative to savings banks, trust companies, and State banks of discount and deposit, for the year ending December 31, 1900. 8° Pp. 251.

The first bank incorporated in New Jersey was the Newark Banking and Insurance Company, which was chartered by a special act of the legislature in 1804; this institution, now known as the National Newark Banking Company, is still one of the most flourishing banks in the city of Newark. In 1812 the legislature incorporated several State banks located in different cities of the State. A part of the capital stock of each of these banks was subscribed for by the State. One of them, the National State Bank of Newark, is still carrying on business. The era of speculation caused a demand to be made for bank charters, and they were incorporated with such reckless profusion by the legislature of New Jersey as to cause great scandal. In consequence there was embodied in the constitution of 1844 this provision: "The assent of three-fifths of the members elected to each house shall be requisite to the passage of every law continuing, altering, amending, or renewing charters for banks or money corporations; and all such charters shall be limited to a term not exceeding twenty years." (Art. IV, Sec. VII, par. 8.) In 1850 a general banking act was passed which placed the supervision of banks in the State treasurer, who was to report annually the condition of each bank. The act contained full provisions for the incorporation of banks, etc. This act was supplemented and amended frequently during the next twenty-five years, and a general revision was enacted April 9, 1875, under the title, "An act to authorize and regulate the business of banking." (Gen. St., 120.) This law authorized the incorporation of banks with not less than $50,000 capital, by any seven citizens of the State. At the request of any such bank, the State treasurer shall issue notes in such quantity as he may from time to time deem necessary to carry into effect the provisions of the act, and shall keep a registry of such notes in his office; also the plates from which such notes are printed. The notes shall not exceed in the aggregate the amount of public stocks, or public stocks and bonds and mortgages at their market value, deposited with the State treasurer by the bank. The public stocks of the United States and of the States of New Jersey, New York, Massachusetts, Pennsylvania, and Ohio shall be accepted as security for the note issues; or bonds and mortgages on lands worth, independent of any buildings thereon, at least triple the amount for which they shall be mortgaged; no mortgage shall be for a greater amount than $5,000. Provision is made to secure accurate information as to the value of the lands mortgaged and the legality of the mortgage. The act also provides that annual statements shall be made to the treasurer, and also for a board of banking commissioners, consisting of the governor, secretary of state, and attorney-general, with power to supervise and examine banks.

"An act to establish a department of banking and insurance," approved February 10, 1891 (Pamph. laws, 1891, p. 17), provides for the

appointment of a commissioner of banking and insurance, to be appointed by the governor, by and with the advice and consent of the senate, for the term of three years, at an annual salary of $4,000, with all the powers of the secretary of state as commissioner of insurance and with all the powers of the banking commissioners. Later legislation placed under the supervision of the commissioner the savings banks and trust companies, besides the State banks of discount and deposit. The report of the commissioner for the year 1900 shows the resources of the savings banks at the end of the year to be $67,088,650, with a surplus of $6,739,278 over and above all liabilities. There were 202,462 depositors; accounts opened and reopened during the year, 46,279; closed during the year, 32,331; deposited during the year, $28,023,958; withdrawn, $24,492,416. A table is presented showing the character of bonds owned, etc., also the total resources, deposits, and surplus for each year, 1869–1901; the number of depositors who opened accounts in the savings banks; the amount of interest credited and the average amount of each account for each of the years 1878–1901; also gives statistics regarding 29 trust companies, their resources being $57,601,724.34, with a surplus fund of $1,653,000, and undivided profits of $4,051,759. The total profits during the year 1900 were $2,772,073; depositors, 81,953. A detailed statement shows the condition of these trust companies yearly, 1889–1900.

There were 19 State banks of discount and deposit, having resources of $12,619,792 and a capital stock of $1,753,750; surplus funds, $949,110; undivided profits, $409,679.13; total resources of savings banks, trust companies, and State banks of discount and deposit, $116,530,007. Detailed statements of all these institutions in the State are given, pages 17–249.

Document No. 20.—Annual report of the commissioner of banking and insurance, for the year ending December 31, 1900. Part I. Fire and Marine Insurance. 8° Pp. 585.

The legislature in 1826 passed an act relative to insurance. It was the practice to incorporate insurance companies by special acts. "An act to provide for the incorporation of insurance companies," approved March 10, 1852, authorized any number of persons, not less than thirteen, to form and incorporate a company for marine insurance or for fire insurance, or for life and health insurance, the capital stock to be not less than $50,000; any such company to deposit with the State treasurer $20,000 in accrued securities; the charter to be filed in the office of the secretary of state. The companies were required to make an annual statement to the secretary of state. This act with its many supplements and amendatory acts was revised and embodied in "An act to provide for the regulation and incorporation of insurance companies," revision approved April 9, 1875. By various supplements, provision was made for the incorporation of companies to insure against accidents; to insure upon the lives of horses, cattle, and live stock (1889); to insure against damage to glass by hail (1887); and various other purposes.

The secretary of state was under the previous acts given a large measure of supervision over insurance companies, and by the act of 1875 was specifically designated as commissioner of insurance. The constitution of the State, as amended in 1875, prohibits special acts conferring corporate powers, and hence all insurance companies are now incorporated under the act of 1875 and its supplements. As noted under the previous document, the functions of the secretary of state as commissioner of insurance are now devolved upon a new officer, the commissioner of banking and insurance.

The annual report of the commissioner for 1900 embraces details regarding the condition of 168 insurance companies doing business in New Jersey, of which 8 were New Jersey stock fire-insurance companies; 25 were New Jersey mutual fire-insurance companies; 93 were fire and marine insurance companies of other States, and 42 were United States branches of foreign fire and marine insurance companies. The New Jersey stock fire-insurance companies had a capital of $2,700,000; assets, $9,380,050; liabilities, $3,033,098; wrote during the year fire risks amounting to $362,218,690, and had in force at the end of the year risks amounting to $546,712,125. The 25 New Jersey mutual companies had contingent assets of $2,336,463, and risks in force amounting to $59,513,475. The companies of other States had capital, $48,002,875; assets, $208,955,129; liabilities, $93,183,432; net surplus, $67,768,822, and fire risks in force of $14,355,300,740. The 42 foreign companies had deposited with the commissioner capital amounting to $8,400,000; assets, $76,270,312; liabilities, $41,913,902; net surplus, $25,938,410; fire risks in force, $6,954,758,164. The aggregate business in New Jersey showed risks written during the year amounting to $602,767,768; premiums received in cash, $4,551,184; losses paid during the year, $4,001,598.

Document No. 21.—Annual report of the commissioner of banking and insurance for the year ending December 31, 1900. Part II. Life and miscellaneous insurance. 8° Pp. 537.

The functions of the commissioner of banking and insurance have been described under the previous document. Part II of his annual report for the year 1900 relates to life and miscellaneous insurance. There were 40 fixed premium or legal reserve life companies doing business in the State in 1900, their admitted assets being $1,734,241,825; liabilities, inclusive of capital stock ($10,005,500), $1,575,787,553; surplus on policyholders' account, $158,454,271. The life business transacted in New Jersey during the year was 24,707 policies, issued for $46,752,202, leaving in force at the end of the year 96,210 policies for $202,726,079; premiums collected, $6,674,162; claims paid, $2,894,199. There were 5 industrial companies in operation, issuing 316,186 policies for $42,272,123; leaving in force at the end of the year 1,268,360 policies for $152,132,848; premiums collected during the year, $5,475,488; claims paid, $1,976,523. There were 34 companies engaged in accident, employer's liability, burglary, fidelity, surety, plate glass, steam boiler, health, credit, and sprinkler insurance, whose assets

amounted to $48,830,014. In New Jersey these several companies wrote during the year risks amounting to $106,547,736, for which they received premiums amounting to $529,259.66, and paid losses amounting to $131,929. There were also 6 assessment life associations and 46 fraternal beneficiary associations. Detailed statements are given of the business of all these companies, pages 15–535.

Document No. 22.—Report of the commissioner of banking and insurance relative to building and loan associations, October 31, 1900. 8° Pp. 363.

By recent statutes the commissioner of banking and insurance has also been given jurisdiction over the building and loan associations of the State. His report for 1900 covers statistics of 360 of such associations in the State; of these 326 were local associations, whose assets amounted to $25,544,964. Their receipts during the year amounted to $22,841,791. They had at the end of the year 97,115 members, holding 665,510 shares. The gross assets of all such associations, local, State, and national, amounted to $51,125,050. The abstracts of annual reports of the various building and loan associations are given, pages 15–362.

Document No. 23.—Annual report of the board of managers of the State Charities Aid Association of New Jersey, 1900. 8° Pp. 3–24.

"The State Charities Aid Association of New Jersey" was incorporated under a general act passed in 1875. By an act passed April 16, 1886 (Pamph. laws, 1886, p. 231), any justice of the supreme court of this State was authorized upon application of the society to make an order enabling its agents to visit, inspect, and examine in behalf of said association any of the county or local poorhouses, prisons, jails, penitentiaries, reformatories, lunatic asylums, or orphan asylums, and require the keepers or superintendents of such institutions to obey said order, and furnish information to such agents. An appropriation of not more than $600 was authorized to meet the expenses incurred by the association. There are 34 managers, selected from various parts of the State. The secretary, Mrs. Emily E. Williamson, has devoted herself for years to work of this kind, without compensation. The annual report for 1900 urges the importance of the indeterminate sentence; the probation plan; recommends the establishment of juvenile courts, and discusses truancy; also the importance of adequate and frequent inspection of jails, station houses, and lock-ups. The care of the insane by the State and by the county is discussed, and the methods adopted in New Jersey explained; also the public almshouses and the care of destitute adults, and the care of the feebleminded, and private charities.

Document No. 24.—Third annual report of the managers of the New Jersey State Village for Epileptics, for the year ending October 31, 1900. 8° Pp. 23.

"An act to establish a village for epileptics" was approved March 26, 1898. It provides that the governor shall appoint, by and with the advice and consent of the Senate, six residents of this State, not more than three of whom shall be members of one and the same political

party, to constitute a board of managers of such village, to hold office for three years, two retiring annually. The managers shall make a full and detailed financial and other report yearly to the governor and legislature. In 1898 the legislature appropriated $15,000 for the purpose of carrying out the provisions of the foregoing act. This was available November 1, 1898.

This act was superseded by "An act relative to the government and management of the New Jersey State Village for Epileptics," approved March 24, 1899. (Pamph. laws, 1899, p. 339.) This act provided for the appointment by the managers of a superintendent and other officers, and prescribed the general form of government of the village, duties of officers, etc. Epileptics may be transferred from either of the State hospitals for the insane to the village. In 1899 the legislature appropriated $25,000 for the erection of two brick cottages; $8,000 for the purchase of a farm adjoining the property already purchased; $6,500 for salaries and expenses, including necessary repairs, and $2,000 for water supply and sewerage. These expenses were specifically authorized by an act approved March 23, 1900. (Pamph. laws, 1900, p. 325.)

"An act to establish a village for epileptics and to repeal certain acts inconsistent therewith," approved March 21, 1901, superseded the acts of 1898 and 1899. The board of managers was increased to 8, to be appointed for four years each. The State shall pay $1 per week toward the maintenance of each indigent person in said village, and the county from which a patient shall be received shall pay $2 per week and $30 annually for clothing.

The report for 1900 shows that two adjoining farms had been purchased, one called Fernwood and one Maplewood; one being reserved for men and the other for women. The work of preparation was still under way. The importance of removing epileptics from the hospitals for the insane, from almshouses, and from private homes, is urged. There were received during the year 10 men and 8 women. A marked improvement had been observed in the cases that had been in the village for the entire year. The institution is located at Skillman, on the Philadelphia and Reading Railroad, within half an hour by rail from Trenton and 4 miles by carriage from Princeton and the Pennsylvania Railroad. The superintendent's report stated that the two cottages in the course of erection, together with the houses, would provide for the accommodation of 100 patients, 50 of each sex. It was recommended that additional provision be made for the reception of children, say 30 of each sex; also that an industrial building should be erected as early as possible, in order to give the patients regular and systematic employment.

Document No. 25.—Thirty-fourth annual report of the New Jersey Home for Disabled Soldiers, at Kearny, for the year ending October 31, 1899. 8°. Pp. 48.

In 1864 the legislature adopted a resolution in relation to the disabled soldiers of this State. This action culminated in an act approved

April 4, 1866, entitled, "An act to provide for the organization of the New Jersey Home for Disabled Soldiers" (Pamph. laws, 1866, p. 955). This act named six prominent citizens of the State as managers of the New Jersey Home for Disabled Soldiers, to hold office for the term of five years, and until others were appointed in their stead, subject to removal by the supreme court on the recommendation of the governor, their successors to be appointed by the supreme court. They were empowered to provide a home for disabled soldiers, and authorized to appoint officers, adopt regulations, etc. All this they did promptly. A commission of fourteen citizens was named by an act approved March 26, 1886, to select a site to erect a suitable home, and on the completion thereof, to turn the same over to the board of managers of the New Jersey Home for Disabled Soldiers. Under the provisions of this act a new and thoroughly modern series of buildings was erected at Kearny.

The annual report for 1900 shows that 216 soldiers had been admitted during the year; 134 discharged, 28 dropped from the rolls, 78 died, leaving the number remaining at the end of the year 542; average number of beneficiaries per day, 582; 469 of the beneficiaries cared for during the year served in New Jersey regiments; 148 in New York regiments; 42 in Pennsylvania regiments, and 48 in the United States Navy. The legislature in 1900 authorized the admission of disabled soldiers of the Spanish-American war. The average age of beneficiaries was 65.85; 465 were born in the United States and 315 in other countries; 315 were married; 320 widowers, and 147 single. As to the disabilites of the inmates, 156 were afflicted with general debility; 110 old age; 126 rheumatism; 74 heart disease, and 63 gunshot wounds. The expenditures during the year were $70,526; average cost of rations per day, 18 cents; cost of maintenance per capita, $156.027. Lists are added of members who died during the year, and rosters of members of the Home at the close of the year.

Document No. 26.—Report of the board of managers of the Home for Disabled Soldiers, Sailors, or Marines and their Wives, Vineland, N. J., for the year ending October 31, 1900. 8°. Pp. 22.

An act approved April 20, 1898 (Pamph. laws, 1898, p. 411), provides that there shall be established in this State a home to be known as the "New Jersey Home for Disabled Soldiers, Marines and their Wives," to be governed by a board of managers, consisting of five persons appointed by the governor, by and with the advice and consent of the senate, at least one of whom shall be a member of the Grand Army of the Republic; they shall hold their office for five years. The board shall have the general direction and control of all the property and surroundings of the institution, make regulations, and appoint officers, etc. The expenses are limited to $10,000 annually. The board shall make an annual report to the governor. The governor, with the consent of the senate, shall name five persons as a commission, who shall have authority to buy or build a suitable home at a cost

not exceeding $30,000, and at the completion thereof shall turn the same over to the board of managers. The building having been purchased at Vineland, the board of managers were authorized by chapter 62 of the laws of 1899 to make needed alterations and repairs and furnish the building at a cost not exceeding $25,000. In 1900 the legislature appropriated $13,000 for necessary repairs and furnishings.

The annual report for 1900 states that on January 1 of that year the official care of the first applicants admitted was commenced. During the year 25 couples were admitted, and at the close of the year there were 22 males and 24 females in the home. The home is in its broadest sense a hospital, and its inmates are aged infirm persons. The average number of members per day was 20. The average age of two members who died was 66½ years. Various posts of the Grand Army and the Women's Relief Corps contributed $1,150 per year. The expenses for the year were $9,945.63.

Document No. 27.—Report of the New Jersey Firemen's Home for the year ending October 31, 1900. 8° Pp. 5.

An act authorizing a firemen's home for the aged, indigent, and disabled firemen of this State, and providing for the regulation and government of such home, was approved April 2, 1898 (Pamph. laws, 1898, 210). It recites that the New Jersey State Firemen's Association had in 1897 appointed a committee of eleven members of said association to secure all necessary legislation and to do all other things necessary to the completion of a firemen's home. Said committee were named in the act as commissioners for the purposes mentioned; vacancies occurring are to be filled by the governor from among the active or exempt firemen of the respective Congressional districts in the State. The commissioners were authorized to purchase proper and suitable buildings, or to select a site and erect thereon a proper and suitable building, to be known as "The New Jersey Firemen's Home," at a cost, including furnishing, of not more than $75,000, in addition to any sums received from gifts or contributions. To raise the sum of $75,000 the commissioner of banking and insurance was authorized to apply to that purpose the moneys thereafter received by him from fire insurance companies for licenses or taxes instead of paying the same to the several firemen's relief associations of the State. Upon the completion of the building, the governor was authorized to appoint a board of managers of eight persons, one from each Congressional district of the State, together with the president of the State Firemen's Association and the commissioner of banking and insurance; the members appointed were to serve for four years. The annual support of the home was to be defrayed out of such revenues derived from fire insurance companies and from voluntary gifts, bequests, and devises.

The commissioners bought a building and lands at Boonton, Morris County, for $36,000, and contracted for repairs and alterations at a cost of $19,776.

The annual report for 1900 states that the home was opened June 10, 1900, since which time seven inmates had been received; the expenses for the year were $3,934.65.

Document No. 28.—Annual report of the State Institution for Feeble-Minded Women, of the State of New Jersey, 1900. 8°. Pp. 15.

An act to provide for the establishment of a home for the care and training of feeble-minded women, approved March 27, 1899 (Pamph. laws, 1888, p. 267), authorized the governor to appoint, by and with the advice and consent of the senate, seven residents of this State, three of whom might be females, to constitute a board of managers, two retiring from office every second year. They were required to make a full and detailed financial report annually. The board was authorized to expend not more than $10,000 for the purchase and equipment of a suitable home, and $2,000 for the current expenses for the year. The governor was directed to send feeble-minded women of the State to such home.

The annual report for 1900 states that the home had been located at Vineland; the disbursements for the year were $20,948.43; $20,000 was appropriated by the State, and $1,926.50 was received from parents and guardians; there were 113 persons enrolled, including 9 private cases. During the year 12 patients were received, 4 discharged, and 2 died. Manual training was carried on, including weaving of plain and fancy baskets, designing in iron work, wood carving, photography, etc. Much attention was given to the work in the sewing room, as well as in the bakery, shoe shop, weaving, laundry, and farm.

Document No. 29.—Twenty-eighth annual report of the State board of agriculture, 1900. 8° Pp. 397.

The State board of agriculture was established by an act of the legislature as early as 1873. By a general revision of the laws on the subject, approved April 1, 1887 (Pamph. laws, 1887, p. 105), it was provided that the members of all agricultural and horticultural societies, farmers' clubs, granges of the patrons of husbandry, and other agricultural associations were constituted the membership of the State board of agriculture, and the details of the government of the board are prescribed. The board is authorized to investigate subjects relating to the improvement of the lands and agriculture in this State, and to take and hold donations and bequests, elect new members, and make an annual report. By an act of March 31, 1890 (Pamph. laws, 1890, p. 151), an appropriation was made from the State treasury, not exceeding $6,000 in any one year, for the purposes of the board.

The annual report for 1900 gives the list of the board of directors and the minutes of the board, with public discussions thereat (pp. 11–54); report of the secretary, pages 55–69; statistics of farm products in New Jersey for the year, as follows: Farm value of crops, $16,426,763; value of stock, $18,756,553; milk, $7,144,352; total farm products, $42,327,668. The document also includes report of State entomologist and discussion

of the same, pages 83–94; papers on the management of poultry, average crops, value of fertility, and the cheapest way of getting it, contagious diseases of animals, report of tuberculosis commission, etc., pages 95–328; report of county boards of agriculture, pages 329–396. The appropriations made in 1900 to this board amounted to $7,500.

Document No. 30.—Twenty-first annual report of the New Jersey State Agricultural Experiment Station and the thirteenth annual report of the New Jersey Agricultural College Experiment Station. 8° Pp. xvii, 563.

By an act of Congress approved July 2, 1862, public lands were voted to the various States for the purpose of promoting the study of agriculture. By an act of the New Jersey legislature approved April 4, 1864 (Pamph. laws, 1864, p. 650), the scrip received by the governor from the Secretary of the Interior for such public lands was placed in the control of the governor, the attorney-general, the secretary of state, the comptroller and the State treasurer, as commissioners to take charge of such scrip, and to sell and dispose of the same, and to pay over the interest resulting therefrom to the trustees of Rutgers College in New Jersey, who were required to devote said interest wholly and exclusively to the maintenance of that department in Rutgers College, known as Rutgers Scientific School, to such courses of instruction as should carry out the intent of the act of Congress. The legislature further provided that there should be appointed by the governor, by and with the advice and consent of the senate, a board of visitors consisting of ten persons, two from each congressional district, to hold office for five years, two retiring annually; said board should possess general powers of supervision and control, and should report to the legislature annually. By a supplement, approved March 26, 1873, the term of office of the board of visitors was reduced to two years. By an act approved March 10, 1880, the New Jersey State Agricultural, Experiment Station, with suitable branches, was established, to be managed by a board of directors, consisting of the governor, the board of visitors of the State Agricultural College, and the president and the professor of agriculture of that institution. An annual appropriation not exceeding $5,000 was voted, increased by an act approved May 9, 1884, to $11,000. In 1895 the expenses for printing bulletins, etc., were directed to be defrayed out of the State treasury, not exceeding $1,500 annually. By an act approved March 5, 1895, the annual expenses were limited to $15,000. By an act approved April 28, 1888 (Pamph. laws, 1888, p. 461), an appropriation of $30,000 was made for the construction of a State laboratory for the use of the New Jersey State Experiment Station. By an act approved March 5, 1888, it was declared that the Rutgers Scientific School was the State Agricultural College of New Jersey, and as such was designated to receive the benefit of the act of Congress of July 2, 1862, providing for the establishment of agricultural experiment stations, etc., and the supplements thereto.

The annual report for 1900 sets forth that the State station was established in 1880 and the Agricultural College station in 1888. The treas-

urer disbursed $51,000 received from the State for current expenses, besides $1,849.79 for special purposes. The trustees disbursed $15,000 received from the Congress of the United States. The director reported on the subject of chemistry, commercial fertilizers, fertilizer materials, study of chemical methods, analysis of feeds, fodders, and farming crops, etc. The document also included reports on horticulture, dairy expenditure, biology, botany, entomology; report of the chemists, pages 13–212; assistant in horticulture, pages 213–256; assistant in dairy expenditure, 247–312; biologist, 313–404; botanist, 405–476; entomologist, 477–572.

Document No. 31.—Report of the dairy commissioner of the State of New Jersey for the year 1900. 8° Pp. 10, 51.

By an act approved March 14, 1882 (Pamph. laws, 1882, p. 97), entitled "An act to prevent the adulteration and to regulate the sale of milk," strict regulations were established and penalties provided for the violation thereof. The State board of health was empowered and directed to appoint each year an inspector of milk, at a salary of $800 per year, to enforce the provisions of this act. By an act approved March 22, 1886 (Pamph. laws, 1886, p. 107), further regulations on the subject relating to milk and cheese were enacted, and it was provided that the State board of health should appoint a State dairy commissioner, to hold office for the term of three years, at a salary of $2,000 per annum, and expenses not exceeding $10,000 in any one year, and he was authorized to appoint or employ such assistants, agents, chemists, clerks, and counsel as might be deemed necessary for the proper enforcement of the act. By an act approved April 20, 1888 (Pamph. laws, 1888, p. 254), it was provided that the State dairy commissioner should assume all the duties, etc., of the State inspector of milk, and that office was discontinued.

The annual report of the State dairy commissioner for 1900 gives a general summary on page 7; reports on milk, lactometer, preservatives of milk, oleomargarine, report of chemists, etc. The expenses for the year were $11,460.

Document No. 32.—Seventh annual report of the commissioner of public roads for the year ending October 31, 1900. 8° Pp. 187.

For about thirty-five years past New Jersey has had a system of road legislation under the authority of which the counties and municipalities, particularly of northern New Jersey, have spent several million dollars in constructing macadamized and Telford roads. By an act approved May 17, 1894, provision was made for the appointment of a State commissioner of public roads, to be nominated by the governor and confirmed by the senate, to hold his office for the term of three years, and receive a compensation at the rate of $5 per day and actual expenses. It was made his duty to perform all the duties respecting public roads of this State which were formerly by law imposed upon the president of the State board of agriculture, and to collect data with respect to the construction of permanently improved roads. An act approved March 22, 1895 (Pamph. laws, 1895, p. 424),

established a system under which State aid might be given in the construction of public roads under the supervision of the State commissioner. One-third of the cost is to be paid out of the State treasury. Where a road is improved upon petition signed by the owners of lands fronting on the road, 10 per cent. of the cost may be assessed upon the property benefited; the remainder of the cost is paid by the county.

The report for 1900 states that 148.28 miles of roads had been improved under the act during the year, making a total to date of 532.11 miles, at a total cost of $865,318.55. Petitions had been presented for the construction of 491.73 miles more, the estimated cost of which was $1,949,043. Full details of roads completed, character of work, cost, etc., are embodied in the report, with many full-page illustrations of the work "before and after;" also illustrations of road work in Europe. There is appended a series of articles on the subject of road materials, maintenance, etc., statements by engineers, and superintendent's specifications for road construction, etc. Acts in relation to roads, pages 145–173; abstract of laws in relation to working and supervising roads under local authorities, pages 175–178. Most of these roads have been constructed in the central and southern portions of the State, where stone material for roads is scarce. The State appropriation was limited at first to $100,000 annually; for the year 1900 it was $150,000; for the year 1903–4 it was $250,000, besides $6,500 for salaries and expenses.

Document No 33.—Eleventh annual report New Jersey section of the climate and crop service of the Weather Bureau in cooperation with the New Jersey weather service. 8° Pp. 69.

An act approved June 19, 1890 (Pamph. laws, 1890, p. 481), created at the Agricultural Experiment Station, New Brunswick, a central weather station under the charge of a board of managers consisting of the director, the senior chemist, the professor of botany and horticulture, and a fourth person to be appointed by the governor. Under this act the central weather service was established with 48 meteorological and 75 crop weather stations throughout the State. By an act of April 7, 1892, the legislature appropriated $1,000 annually for the support thereof and the printing and distribution of the reports or bulletins.

The annual report for 1900 states that there were 54 meteorological stations at the close of the year; monthly bulletins of 500 copies were issued from the central weather office, and 1,000 copies of a weekly crop bulletin; 41 stations displayed weather and temperature signals received by telegraph at the expense of the national service; two rural free delivery stations distributed weather reports on 265 postal cards; the annual mean temperature for the year was 53.8—that for the spring being 49.1; summer, 74.2; autumn, 59.1; winter, 39.9. The average total precipitation of rain and melted snow was 42.71, being 4.35 below normal. The average total snowfall was 23.6. Twenty weather crop bulletins are reproduced. Climatological data for 1900, pages 48–62; list of crop expenditures, pages 65–67. Two maps are appended.

Document No. 34.—Report of the adjutant-general of the State of New Jersey for the year ending October 31, 1900. 8° Pp. 257.

The constitution of New Jersey provides that the adjutant-general shall be appointed by the governor, by and with the advice and consent of the senate (Art. VII, Sec. I, par. 5). Prior to the war of the rebellion the adjutant-general's report was comprised in a few pages, and it does not appear to have been separately issued until 1861 or 1862. Brig. and Bvt. Maj. Gen. William S. Stryker held the office from April 12, 1867, until his death on October 29, 1900. In that time he practically organized the office, systematized its records, and made it a model of administration in every respect. He compiled and published in 1872 a list of the officers and men of New Jersey in the Revolution, in a large octavo volume, and in 1878 published complete rosters of the officers and men of New Jersey in the civil war, in two large quarto volumes. For many years before his death he had been engaged in the compilation of lists of the officers and men of New Jersey serving in the colonial wars, from the earliest periods; a revised and complete list of those serving in the war of the Revolution, and lists of those serving in the whisky insurrection of 1794, in the war of 1812, the Mexican war, and the Spanish-American war of 1898. This work has been carried on since by his successors, and during 1903 the present adjutant-general, Maj. Gen. H. C. Brientnall, has received from Sweden lists of the officers and men of five companies serving under the Swedish Government along the Delaware in 1635–1638.

The annual report for 1900 gives the strength of the National Guard of New Jersey as 260 officers and 3,509 enlisted men, organized into four regiments of infantry of twelve companies each, two batteries of field artillery, and two troops of cavalry; also a naval reserve of two battalions. The reserve militia of the State, estimated from the census of 1895, is 385,273. Appended are the reports of the inspector-general, pages 13–18c; assistant inspector-general, pages 19–45; inspector-general of rifle practice, pages 47–135; roster of officers, pages 185–260.

Document No. 35.—Report of the quartermaster-general of the State of New Jersey for the year 1900. 8° Pp. 74.

The quartermaster-general is a constitutional officer appointed by the governor, by and with the advice and consent of the senate. Like the adjutant-general, he holds office during good behavior His annual report for 1900 states that the War Department had allowed $120,018.23 on account of expenses by the State in the Spanish-American war, leaving unsettled claims of $148,125.92. There was a regimental camp at Sea Girt on the Atlantic Ocean during the summer, which cost the State $29,996.22. The payments to the National Guard for maintenance, equipments, etc., were $22,262.62. The expenses of the National Guard for the year, including maintenance of armories, were $132,733.95, besides $16,403.61 for the naval reserve. Statements are appended showing payments of officers and enlisted men; reports of surgeons; invoices of camp and garrison equipage, etc.; uniforms issued to companies; ordnance and ordnance stores.

Document No. 36.—Report of the New Jersey State prison, embracing the reports of the inspectors, supervisor, keeper, clerk, physicians, and moral instructors for the year 1900. 8° Pp. 47.

The legislature made provision in 1797 for the erection of a State prison at Trenton, which has been maintained there ever since, being enlarged and improved from time to time to meet the growing necessities therefor. The management is vested in a board of inspectors and a supervisor. The supervisor is appointed by the governor, by and with the advice and consent of the senate, and holds office for three years. The supervisor, under the direction of the board of inspectors, regulates and prescribes the work and employment of the prisoners confined in the prison. There are six inspectors, appointed by the governor, by and with the advice and consent of the senate, to hold office for five years. The inspectors have the general management of the institution. The keeper of the State prison is a constitutional officer, appointed by the governor, by and with the advice and consent of the senate, for the term of five years. He appoints the assistant keepers and other subordinate officers, and has special charge of the custody of the prisoners.

The annual reports of the several officers for 1900 review the improvements made in the buildings during the year, the work performed by the prisoners, who are not fully employed, owing to prohibition of contract labor, and the condition of the prisons and prisoners generally. There were received during the year 474 prisoners, and discharged and paroled 502, leaving at the end of the year 1,064 males and 27 females, the daily average for the year being 1,103; expenditures, $206,707.43; received from revenues, $93,525.32, of which $81,032.36 was from prison labor; average number of men employed during the year on contract work, 599, besides 266 employed on necessary work at the prison and on prison repairs. The principal products were mats and matting, $17,911; shoes, $13,481.03; trousers, $12,253.81; brushes, $9,248.96. The keeper's report gives statistics of the number of prisoners, etc. The clerk of the prison gives statistical details showing the terms of sentence of prisoners, crimes for which they were committed, counties where convicted, ages, nativity, etc. The prison physician gives statistics of the number sick, and reports were made by the moral instructors.

Document No. 37.—Thirty-sixth annual report of the New Jersey State Home for Boys, for the fiscal year ending October 31, 1900. 8° Pp. 43.

By an act approved April 6, 1865, the legislature provided that a reform farm school should be established in this State for the reformation of boys between the ages of 8 and 16 years who might be committed thereto. The institution was placed under the management of a board of trustees, who, by a supplement passed May 25, 1894 (and a revision in 1900), are six in number, appointed by the governor, by and with the advice and consent of the senate, two retiring annually, the governor to have power to remove any trustee at any time. By the original act the trustees were authorized to secure a site and erect suitable buildings for the purpose. Boys were to be committed by

any justice of the supreme court, which power was subsequently extended to the president judge of any court of common pleas.

The institution was located at Jamesburg, in Middlesex County, and comprises a large farm and a number of cottage buildings, in each of which is a "family" of boys under a teacher. The boys are taught the elements of an English education, and are instructed in farm work and various trades. By a revision of 1900 (Pamph. laws, 1900, p. 176) the institution is now designated as "The State Home for Boys."

The annual report for 1900 gives details of the work for the year. A trade-school building was authorized by the legislature in 1900, and was then under way, the estimated cost being $5,000. The expenditures for general maintenance for the year were $80,678.46; the farm stock was valued at $32,602.35, and the personal property of the institution was inventoried at $103,016.29. The school farm contains 490 acres, about 400 being available for cultivation. The boys worked a farm of about 160 acres, and others were employed in the brickyard, in sloyd, as carpenters, masons, blacksmiths, painters, shoemakers, bakers, printers, etc. There were 551 boys cared for during the year, and 378 remained at the close of the year, the average number during the year being 392.62, ranging in age from 9 to nearly 16 years.

Document No. 38.—Thirtieth annual report of the trustees of the State Home for Girls. 8° Pp. 55.

An act to establish a State Industrial School for Girls, was passed by the legislature in 1871 and approved on April 4 of that year. This provided that there should be established an industrial school for the reformation of such girls between the ages of 7 and 16 years as might be committed to it. The governor, chancellor, and chief justice for the time being were constituted a board of control, who should appoint six trustees to take charge of the management and general interests of the institution. By a supplement approved April 18, 1889 (Pamph. laws, 1889, p. 285), it was provided that the trustees should be appointed by the governor, by and with the advice and consent of the senate, the trustees to appoint six lady managers. They were authorized to procure a site and erect buildings, and manage the institution generally.

The trustees proceeded directly to purchase lands and erect buildings in Ewing Township, on the Bound Brook Railroad, about 2 miles from Trenton. By an act approved March 31, 1890 (Pamph. laws, p. 136), it was made the duty of the trustees of the State Industrial School for Girls to report to the governor every quarter, and an appropriation was authorized not to exceed $45 per quarter for each girl maintained in said school, for the maintenance thereof. By a revision, approved March 23, 1900 (Pamph. laws, 1900, p. 481), it was provided that the institution should thereafter be known as the "State Home for Girls." It was also provided that there should be nine trustees of said home—five men and four women—appointed by the governor, three retiring annually, and that they should report to the governor

quarterly as to the average number of girls maintained, and make a full and detailed annual report.

The annual report for 1900 states that the number of inmates for 1899 was 138, but the home being overcrowded a number had been paroled and others put out under indenture, and still others discharged, having reached the age of 21 years, so that at the end of the year there were but 115 remaining. A new building had been authorized by the legislature, but still another was needed for school purposes. The total number of girls received from December 27, 1871, was 579, the average being about 14⅓ years. Details are given of the work done in the kitchens, sewing rooms, bakery, and laundry; also of the farm products, amounting to $3,673.87 during the year; details are also given of the work in the schoolrooms. The expenditures during the year were $23,383.01; there were 78 acres of land valued at $16,700; buildings, $71,313, and personal property carrying the total valuation up to $110,067.

Document No. 39.—Annual statements of the railroad and canal companies of the State of New Jersey, together with reports of the State director of the United New Jersey Railroad and Canal Company for the year 1900. 8° Pp. 375.

By an act approved February 24, 1852, and a supplement thereto, approved April 3, 1873, all railroad and canal companies in the State are required to make annual reports to the legislature. The document mentioned above contains such reports in detail, showing capital stock, bonded debt, floating debt, total cost of roads, canals, and equipments, etc.; list and description of all accidents occurring on each road during the year, etc. Under the earliest acts providing for the construction of a railroad across the State from Trenton to Raritan Bay, and also for the construction of a canal between those points, it was provided that the State should subscribe a certain amount toward the capital stock of such companies, and in consideration thereof the legislature was authorized to appoint a State director. The railroad in question, being the Camden and Amboy Railroad, and the canal, being the Delaware and Raritan Canal, were afterwards united with the New Jersey Railroad and Transportation Company, running from New Brunswick to Jersey City, the united corporation being known as the United Railroads of New Jersey. The foregoing report contains, therefore, also the State director's report and a statement showing the result of the operation of the United New Jersey Railroad and Canal Company's property. The United Railroads are now operated by the Pennsylvania Railroad, under a lease for 999 years, at a rental of 10 per centum on the capital stock. They form the main four-track line of that railroad across New Jersey.

Document No. 40.—Annual report of the State geologist for the year 1900. 8° Pp. xl, 231.

In 1835 the legislature employed Henry D. Rogers, of Pennsylvania, to make a report on the geology of New Jersey, which was published

in 1836. He made another report in 1840. Still another report on the geology of the State was made in 1857. The legislature in 1854 authorized a geological survey of the State to be made, but subsequently suspended the same. By an act approved February 25, 1863, the State Agricultural Society was authorized to continue said service, and appropriations were made therefor. By "An act to complete the geological survey of the State," approved March 30, 1864 (Pamph. laws, 1864, p. 591), $20,000 was appropriated for said purpose. The appointment of George H. Cook by said agricultural society was approved of, and he was appointed State geologist, with authority to continue the work and employ necessary assistants. A board of managers was authorized, to consist of the governor and two members (named in the act) from each of the five Congressional districts of the State. It was provided that the survey should be completed within four years, but that proviso was repealed March 24, 1868. The board of managers of the State geological survey now consists of the governor and two members from each Congressional district. By an act approved March 7, 1888 (Pamph. laws, 1888, p. 153), the board was created a committee of publication, with authority to print and publish the annual and final reports of the State geologist, etc. Professor Cook having died in 1890, an act approved May 12, 1890 (Pamph. laws, 1890, p. 322), authorized the board of managers to fill the office of State geologist from time to time by the appointment thereto of a competent person who should hold office during the pleasure of the board, such appointment to be made upon the approval of the governor.

The annual report of John C. Smock, State geologist, for 1900, embraces a review of the administrative work of the survey during the year, added to which are a number of special reports on the paleozoic formations, pages 1–8; Portland Cement Industry, pages 9–101; artesian wells, pages 103–171, giving details of a large number of such wells throughout the State; mineralogical notes and explorations, pages 173–188; the mining industry—iron, zinc, copper—pages 197–213; publications, 219–223.

Document No. 41.—Annual report of the board of education and of the superintendent of public instruction of New Jersey, with accompanying documents, for the year ending June 30, 1900. 8° Pp. 459.

The State board of education consists of two members from each Congressional district, appointed by the governor, by and with the advice and consent of the senate, to hold office for the term of five years; only one member from each Congressional district shall be of the same political party. The State board has the general supervision and control of public instruction in the State.

The annual report for 1900 shows that the enrollment in the public schools for the year was 322,576, or over 69 per cent. of the school census; average daily attendance, 207,947, or 88 per cent. of the average enrollment; number of teachers employed, 7,012, of whom 1,758 held State certificates, and 1,798 were graduates of normal schools; ex-

pended for teachers' salaries, $3,805,482; for fuel and janitors' salaries, $482,934; repairs and building schoolhouses, $1,265,170; debt and interest, $391,116; desks, books, and apparatus, $314,321; incidentals, $569,913; manual training, $88,944. Some of the principal appropriations for the year 1900–1901 were: State school tax, $2,317,825; appropriated from the general State fund, $200,000; district school tax, $4,027,575; average cost per pupil enrolled, $16.03; average cost per pupil on average attendance, $21.91; average monthly salary to male teachers, $86.63; to female teachers, $50.07; number of school buildings, 1,875; value, $15,634,471; average value of schools, $8,696. A large number of details were appended, giving statistics as to teachers, cost of education, reports from various counties, report of county superintendents, of city superintendents, etc.

Appended as part of the report of the State board of education is the report of the New Jersey State College for the Benefit of Agriculture and the Mechanic Arts (Rutgers College), in which there were 126 students enrolled during the year, besides 58 students in the classical school and 172 pupils in the preparatory school.

Also the forty-fifth annual report of the State Normal and Model schools and Farnum Preparatory School. The disbursements of the State Normal School for the year were $74,708, of which $45,000 was appropriated from the State treasury. The disbursements for the boarding halls amounted to $61,581, of which $61,123 was received from board of pupils. The enrollment of the normal department was 639, of whom 276 were new students. There were 56 males and 583 females enrolled in the normal school, total, 639; in the model school, 240 males and 328 females, total, 568; in the Farnum Preparatory School, 61 males and 88 females. The total annual enrollment in all these schools was 1,374. There were 191 graduates from the Normal School, 29 from the Model School, and 11 from the Farnum School.

In 1873 the legislature provided that an annual sum not exceeding $300 per pupil should be appropriated, to be applied under the direction of the governor, for the instruction or placing for instruction in some suitable school or schools such indigent deaf and dumb, blind, or feeble-minded persons, or partially deaf and dumb, or partially blind inhabitants of this State as might be selected under said act; an additional appropriation not exceeding $30 per annum for each pupil was authorized for clothing in case of need. Under this act such persons were sent to institutions in New York or Pennsylvania, there being none in this State. Shortly after the war a soldiers' children's home was established by the State in Trenton. The need for this having ceased, the property was set apart by an act approved March 31, 1882 (Pamph. laws, 1882, p. 259), to be used as an institution for the maintenance and instruction by the State of its indigent deaf and dumb, such institution to be known as "The State Institution for the Deaf and Dumb." The institution was placed under the control of a board of trustees, who, by an act approved March 17, 1891, were superseded by the State board of education. By an act approved April 14, 1884 (Pamph.

laws, 1884, p. 160), the name was changed to "The New Jersey School for Deaf Mutes."

The annual report for 1900 is made by the superintendent to the State superintendent of public schools. He urges the necessity and importance of extensive improvements in the building; gives details of the work done by the pupils in various industries, as well as in their general education. There were 155 pupils enrolled during the year, and 133 at the end of the year. The pupils were taught to express their thoughts only by vocal speech and in writing. At the closing exercises in June there was an exhibition of speech and speech-reading such as had seldom, if ever, been excelled at an exhibition of totally deaf pupils. By an act of the legislature, approved March 11, 1896, and subsequently amended, it was provided that the State superintendent of the public schools, the State board of education, and two representatives of the State Teachers' Association, should constitute a board of trustees of the teachers' retirement fund. Any teacher of twenty years' standing becoming incapacitated might be retired, and should thereafter receive an annuity out of the said fund of a certain sum. The annual report of the board of trustees for 1900 shows that there were 2,622 members of the fund, an increase of 244 for the year; there had been contributed by the teachers $13,181; from endowments, $7,945.

By an act approved February 15, 1888 (Pamph. laws, 1888, p. 51), it was provided that whenever any board of school trustees, or board of education of any school district in the State should raise $500 for the establishment in any such district of a school or schools for manual training, or for the purpose of adding manual training to the course of study before pursued in the school or schools of such district, the State should appropriate an equal sum to such school.

The Colored Industrial Educational Association of New Jersey and the trustees of school district No. 15, Burlington County, having established a manual training and industrial school at Bordentown for colored youth, the legislature by an act passed May 25, 1894 (Pamph. laws, 1894, p. 536), provided that said school might be turned over to a board of trustees provided for in the act, and the school might be a member of the public school system of the State. In the year 1899–1900 there were 109 pupils enrolled—46 males and 63 females. The cost to the State was $48 per pupil for the school year of eight months.

Other manual training schools making reports were at Asbury Park, Atlantic City, Camden, Cape May City, Carlstadt, East Orange, Hoboken, Lakewood, Montclair, Newark, Orange, Passaic, Paterson, Red Bank, Ridgewood, South Orange, town of Union, Trenton, and Vineland.

Appended to the report of the State board of education were details of school statistics by counties and districts, page 268.

Document No. 42.—Report of the New Jersey School for the Deaf. 8° Pp. 37.

The legislation regarding the establishment of the New Jersey School for the Deaf has been mentioned above. The annual report for 1900

shows that the disbursements for the year were $38,943.49. The superintendent urged the importance of additional buildings. A list of the pupils is added, with provisions for admission of pupils, forms, etc. The report is accompanied by a number of beautiful illustrations of the buildings.

Document No. 43.—Forty-sixth annual report of the New Jersey State Normal School, and accompanying documents. 8° Pp. 164.

The New Jersey State Normal School was established at Trenton in 1854, and has been enlarged from time to time. Some notice of the annual report is given above under the head of State board of education. The separate report gives further details, and is accompanied by a number of beautiful illustrations, a list of pupils, etc.

The annual report of the Farnum Preparatory School, Beverly, an adjunct of the New Jersey State Normal School, gives the disbursements for the year as $5,780.07; a list of pupils is added. This school was built by Paul Farnum, in the year 1855. In 1857 it was made a part of the State school system and placed under the control of the trustees of the State Normal School, Mr. Farnum bequeathing an endowment of $20,000. It is now under the control of the State board of education. Its objects are to furnish to the citizens of Beverly and vicinity a school; and second, to act in conjunction with the Normal School in the work of preparing teachers for the public schools of the State, the tuition ranging from $4 to $12 every quarter.

[The Legislature in 1904 voted $25,000 for the purchase of a site for a new normal school, to be located in the northern part of the State. A site was selected in the fall, between Paterson and Orange. It is expected that a very large school will be erected here in 1905 or 1906.]

Document No. 44.—Thirty-sixth annual report of Rutgers Scientific School, the State College for the Benefit of Agriculture and the Mechanic Arts. 8° Pp. 103.

The legislation establishing this school has been detailed above. The annual report of the board of visitors for 1900 states that the faculty numbered 28 and the students 126, besides 58 students in the classical course and 172 in the preparatory school. The report of the board of trustees gives lists of the faculty and of the pupils, etc., with numerous handsome full-page illustrations.

Document No. 45.—Sixth annual report of the New Jersey State Reformatory Commission. 8° Pp. 5.

"An act relating to a State reformatory" was approved March 28, 1895. It provided that the governor should appoint six commissioners to build an intermediate prison for the criminal classes between the ages of 16 and 30 who had not been previously sentenced to a State prison in this or any other State or country, and of persons convicted for the first time of a crime not involving moral turpidity. The commissioners were authorized to prepare and mature a plan for the construction of such a reformatory, and to superintend its erection, which should have a capacity of not less than 1,000 prisoners; and an appropriation of $100,000 was made for the purpose. Such intermediate

prison should be known as "The New Jersey State Reformatory." The commissioners were constituted a board of managers for the term of three years and until their successors should be confirmed by the senate and duly qualified. The board should have power to appoint a warden and other officers and employees and to enforce discipline. They were also required to make an annual report to the governor; the powers and duties of the warden and other officers were defined.

Under this act the commissioners selected a site near Rahway, and proceeded to erect a portion of the buildings contemplated for the purpose aforesaid. By an act approved March 21, 1901, it was provided that the general management and control of "The New Jersey State Reformatory" should be vested in a board of nine, consisting of the governor and eight other persons of the State, appointed by the governor, with the advice and consent of the senate, not more than four of the said persons to be so appointed by the governor to be of the same political party, two of such appointees to retire annually. They should have the general control and management of the institution.

The report for 1900 states that the commission had completed five buildings and furnished two, at an expenditure of $450,732.50, during the year. The northeast wing had been completed, with 256 cells.

Document No. 46.—Annual report of the New Jersey State Oyster Commission. 8° Pp. 12.

"An act to promote the propagation and growth of seed oysters, and to protect the natural oyster seed grounds of this State," approved March 21, 1899 (Pamph. laws, 1899, p. 160), provides that the natural oyster beds of the State shall be divided into six districts, specified in the act, for each of which the governor shall appoint three commissioners, who shall serve for three years, and shall make a careful inspection of such grounds in their respective districts, and wherever and whenever in their opinion it is expedient to cause a supply of shells to be spread on such natural oyster-seed grounds, for which purpose $12,000 was appropriated. The act further provides for the protection of such beds and for the regulation of the industry generally.

The annual report for 1900 by the respective commissioners states that 81,600 bushels of shells had been spread, and the yield of oysters had been much greater than in many years.

Document No. 47.—Second annual report of the oyster commissioners of the State of New Jersey. 8° Pp. 20.

An act approved March 24, 1899 (Pamph. laws, 1899, p. 506), provides for the appointment by the Governor of a commission of three members (one to retire annually), being citizens of the State directly interested or engaged in the taking, planting, and cultivating of oysters along Delaware Bay and Maurice River Cove, who shall constitute a State oyster commission. All oyster grounds, lands, and beds included within the lands of the State of New Jersey under the tide waters of the Delaware Bay and Maurice River Cove shall be under the exclu-

sive regulation and control of the said commission, whose powers and duties are fully set forth in the act. They shall receive an annual salary of $350, and shall appoint an oyster superintendent at an annual salary of $1,200. The commission shall have power to lease lands to persons who shall have been for twelve months next preceding citizens and actually residents of the State; leases may be granted for terms not exceeding thirty years, at a rate of not less than 25 cents per acre.

The annual report for 1900 states that a survey had been substantially completed of the oyster beds, at an expense of $8,000. The distribution of shells on the natural oyster beds was intended to afford a lodging place for the oyster spat or seed, and the plan proved very effective. The provisions of the act had proved beneficial in protecting the oysters and in developing the industry. The revenues for the year were $14,757.71, of which $8,406.66 was from licenses to oyster boats, and $6,132.31 for leases for oyster grounds in Maurice River Cove.

Document No. 48.—Report of the Palisades Commission of the State of New Jersey. 8° Pp. 8.

The operations of quarrymen in blasting out great sections of that picturesque precipice of trap formation known as the "Palisades," on the New Jersey shore of the Hudson River, opposite the upper part of New York City, created an apprehension that the beauty of that rocky height might be permanently marred. This led to united action by a number of public-spirited citizens of New Jersey and New York, who recommended that the two States should take measures to acquire title to the section most endangered, with a view to creating a great public park there. The New Jersey legislature passed an act approved March 22, 1900, authorizing the governor, by and with the consent of the senate, to appoint ten commissioners, five of whom should be citizens and residents of the State of New Jersey, who should constitute the "Commissioners of the Palisades Interstate Park," two retiring annually. Said commission was authorized to select and locate lands lying along the Palisades for the purpose of a public park, and to that end were authorized also to receive gifts of lands and moneys. The legislature of New York provided for a similar commission, and under these two acts the commission was constituted, consisting of five members from each State.

The annual report for 1900 states that $5,000 was appropriated by the New Jersey legislature and $10,000 by the New York legislature. The commissioners caused a survey to be made of the lands necessary to be acquired where the blasting was being done; and, learning that the same could be acquired for $132,500, paid the $10,000 appropriated by New York State to bind the bargain, and a number of gentlemen of New York City pledged themselves to contribute the balance of the purchase price, $122,500. It was estimated that in order to complete the proposed park from Fort Lee to the northern limits it would be

necessary to acquire 1,116 acres of ground, the estimated cost being $558,000. It had also been proposed to construct a boulevard through this park, to cost about $140,000.

The legislature of 1901 appropriated $50,000 for the purposes of the act.

Document No. 49.—Report of the State sewerage commission. 8° Pp. 67.

As the result of a discussion of the subject extending over some years, the legislature passed an act approved March 24, 1899 (Pamph. laws, 1899, p. 536), providing for the appointment by the governor of five citizens of the State, to constitute "The State sewerage commission," to hold office for the term of three years and to receive an annual salary of $1,000. They were authorized to investigate methods of sewage disposal, to establish sewerage districts in the State, and supervise the construction of sewerage systems by the several district boards. They were also given power to prohibit the pollution of streams by sewage.

The annual report for 1900 states that some local district sewers had been planned and approved by said board. The principal work of the commission during the year had been in regard to the pollution of the Passaic River, which drains an area of nearly 1,000 square miles, having a population of upwards of 500,000. Appended is a very interesting and valuable report of Commissioner William T. Hunt on methods of sewage and disposal of such in Great Britain and France, pages 33–56. As an outcome of the agitation and recommendations of the commission, the legislature in 1903 passed an act providing for the construction of a great trunk sewer, about twenty miles long, from the city of Paterson to New York Bay, the estimated cost being $9,000,000, and the annual cost of maintenance about $300,000, being four per cent on a capital of $7,500,000. The constitutionality of the act was questioned by the city of Paterson, and is still pending in the courts of the State.

Document No. 50.—Annual report of the board of fish and game commissioners. 8° Pp. 29.

So long ago as in the eighth year of His Majesty King George I the legislature of New Jersey passed an act entitled "An act to prevent killing of deer out of season, and against carrying of guns and hunting by persons not qualified," which received the approval of His Majesty's royal governor, William Burnet, on the 5th day of May, 1722. This act established a close season for "Wild Buck, Doe or Fawn, or any other sort of Deer whatsoever," in the months of January, February, March, April, May, and June, and prohibited the killing or destroying of any such animals under a penalty of 30 shillings, to be sued for and recovered by any person. It was declared that nothing in the act should be deemed or construed to hinder any person from killing any kind of deer within his fields where corn was growing in the month of January, nor to extend to any free native Indians carrying guns. The act also prohibited any person from carrying guns or presuming to hunt on other people's land without a license or per-

mission from the owner or owners of such land, under a penalty of from 10 to 30 shillings. Any Indian, negro, or mulatto slave killing or destroying any deer as aforesaid, or carrying or hunting with any gun without a license from his master, should be liable to be whipped on the bare back at the public whipping post, not exceeding twenty lashes, for which whipping the master should pay to the whipper the sum of 3 shillings. A number of other acts were passed from time to time, all which were superseded by an act passed December 21, 1771, which declared that "the laws heretofore passed in this colony for the preservation of deer and other game, and to prevent trespassing with guns, have been insufficient." This act regulated the carrying of guns, and made the close season for deer and other game extend from January 1 to September 1. The setting of traps larger than those usually set for foxes and muskrats was prohibited; also the "most dangerous method of setting guns." This act was amended repeatedly, sometimes as many as three or four supplements being enacted at one session of the legislature. By an act approved March 17, 1870 (Pamph. laws, 1870, page 43), the appointment of commissioners was authorized for the better protection of the fishing interests of the State of New Jersey, whose duties were defined by this and subsequent acts. By a supplement approved March 22, 1885 (Pamph. laws, 1885, p. 440), it was provided that the commissioners of fisheries and their successors should afterwards be known and designated as "The board of fish and game commissioners," to consist of four persons, to hold office for five years, not more than two to be of the same political party; their duties were to be the protection and propagation of fish, birds, and game animals, and the enforcement of the laws relating thereto, and for the propagation and distribution of food fish, etc. They were authorized to appoint twenty-five fish and game wardens, who should enforce all the laws of the State for the protection of fish, birds, and game animals. The acts relating to the protection of fisheries number upwards of one hundred and fifty sections. The acts for the protection of certain kinds of birds, etc., are now very minute as well as numerous.

The report for 1900 gives particulars of the work of the commission. During the year about 75,000 trout had been distributed in different ponds and streams, and over 1,000 bass, pickerel, and yellow perch. More than 12,000 persons in New Jersey were engaged in the fish industry, employing 6,000 boats, 600 vessels, 4,746 gill nets, and 180 pound nets, making an investment of nearly $2,500,000. The catch of Delaware River shad for the year was 4,067,307; the United States Fish Commission had placed about 84,000,000 shad fry in the Delaware River during the year. The commission had distributed 60,000 copies of the fish and game laws in pamphlet form; statistics were given of the prosecutions against violators of the fish and game laws during the year, pages 20–26. The expenditures during the year were $24,484.31, of which $2,950 had been received from licenses to steamers and sailing vessels to catch menhaden.

Document No. 51.—First report of the public library commission of New Jersey. 8°. Pp. 7.

As a result of an act passed in 1888, a number of free public libraries were established in New Jersey, supported by public taxation, and managed by boards of trustees, appointed by the mayors of the several municipalities. Persons officially and otherwise interested in these and other libraries of the State formed a State library association, and through their influence an act was passed March 20, 1900, entitled "An act to promote the establishment and efficiency of free public libraries" (Pamph. laws, 1900, p. 95). This act provided that the governor should appoint five persons, residents of this State, who should constitute a public library commission, such appointment to be made with the advice and consent of the senate, one person retiring annually. The commission was to advise any persons desiring the same regarding the selection of books, the cataloguing thereof, and any other matters pertaining to the establishment, maintenance, or administration of libraries; also to donate to any free public library under municipal control, having less than 500 books, not more than $100 for books for such library.

The first report of the commission states that there were 176 libraries in the State, including half a dozen college and school libraries; of these, 14 contained less than 1,000 volumes; 47 were supported wholly or in part by the city or town in which they were located. There were 129 cities and towns in New Jersey with a population exceeding 750 that were without a library of any kind. The public library commission desired to give information to the public of any town regarding the organization of public libraries, library administration, and facilities for the selection and purchase of books. The report also gave details of the progress in the State in the location and improvement of library buildings in various parts of the State.

The legislature in 1903 appropriated $1,000 to carry out the purposes of the foregoing act, and $1,500 for the expenses of the commission.

Since the foregoing reports were made to the legislature that body passed an act approved April 3, 1902 (Pamph. laws, 1902, p. 395), entitled "An act to establish a sanitarium for persons afflicted with tuberculosis diseases, and to provide for the selection of a site and the erection of buildings therefor, and the government thereof." This established in and by and for the State of New Jersey an institution styled "The New Jersey Sanitarium for Tuberculosis Diseases." The management was vested in a board of eight persons, residents of this State, not more than four to belong to any one political party, and not less than four to be physicians in good standing; to be appointed by the governor, by and with the advice and consent of the senate, two members to retire annually. They were authorized to acquire a site and cause

suitable buildings to be erected thereon at a cost not to exceed $50,000. Any person who has been a resident of this State for at least one year continuously next preceding the application for his or her admission to said sanitarium, and who is in indigent circumstances, may be admitted into said sanitarium and treated therein without cost, subject to the rules and regulations of the board of managers. The board shall report annually to the governor. The legislature in 1903 appropriated $100,000 for the purpose of carrying into effect the foregoing act, and for the erection and equipment of the sanitarium, including the cost of heating and lighting, the entire completion of the building and equipment to cost not exceeding $300,000. At the session of 1904 the commission reported having bought land, but no buildings had been erected or completed, and they needed $300,000 more. The legislature appropriated $200,000.

The legislature by an act approved March 17, 1902 (Pamph. laws, 1902, p. 36), provided that the governor should appoint a State board of veterinary medical examiners, consisting of five members, persons of recognized professional ability and honor in the veterinary profession in this State, and who should have practiced veterinary medicine and surgery for at least five years immediately preceding such appointment, to hold office for three years. Said board was authorized to license persons passing a satisfactory examination, and who should have been adjudged duly qualified for the practice of veterinary medicine, surgery, and dentistry, and after May 1, 1902, no person is permitted to enter upon or continue the practice of veterinary medicine, surgery, or dentistry in New Jersey unless he has complied with the provisions of the said act.

The legislature of 1903 established a State bureau of shell fisheries by an act approved April 14 of that year. This provides that the chief of such bureau shall be appointed by the governor for the term of four years, and receive a salary of $1,200 per annum. The several oyster commissions of the State shall report to said bureau in detail.

Another State board, which makes no report, however, is the State board of arbitration. It was appointed many years ago for the purpose of arbitrating labor disputes, but neither employers nor employees will have anything to do with it, and

the members are unable to do anything except draw their annual salaries, amounting to $6,000. This they have done faithfully and promptly.

The legislature has been urged to create a variety of other State boards to superintend various industries and trades, such as the barbers, undertakers, plumbers, etc. The legislature of 1904 passed an act establishing a State board to license undertakers and embalmers, but the act was vetoed by the governor. Provision was made in another act for licensing plumbers by local boards of health.

Prior to 1895 the State printing was done by an act of the legislature passed each year, which gave out the printing of special documents to certain favored printers, always belonging to the political party in power. This practice led to great extravagance, and ultimately to such dissatisfaction that the whole system was changed by an act approved June 15, 1895 (Pamph. laws, 1895, p. 824). This act constituted the governor, comptroller, and treasurer as a printing board to supervise and have charge of all printing done for the State, with power to determine what reports or documents or parts of reports or documents are of sufficient importance and value to be printed, also the number of copies to be printed of each report or document. All the printing is to be done by contract, in accordance with specifications issued by said board. Said board also awards contracts for printing all blanks and furnishing all stationery required by the State annually.

Another reason for creating this State printing board with discretionary powers to edit the public documents was the fact that some of the compilers of the annual reports had a disposition to "pad" out their reports by copious extracts from published works treating of the same subjects. In one case a State board added to its report about 200 pages of extracts from writings of foreign socialists and anarchists. The State printing board, with an utter lack of humor, failed to see any reason for printing and circulating, at the expense of the State, articles which attacked the fundamental principles upon which the State itself was organized, and since that attempt all such matter has been carefully excluded from the public documents. The disposition to "pad," however, is still noticeable in many of the official reports.

For many years it was the custom to publish the laws passed at each session in certain selected newspapers of the State. The number, however, was increased from time to time, and consequently the expense, until the cost of publication amounted to upwards of $120,000 yearly. It became the practice, moreover, for most of the newspapers to have the laws printed from plates, and on supplementary sheets, which were furnished to the newspapers desiring them, and these were published several months after the legislature adjourned. This delay in the publication, and the great cost of publishing the laws in newspapers, led to a new enactment, which cut off the newspaper publication, and provided for the printing of a very large edition of the session laws in book form for free distribution. The laws of each session are now printed in sheets as fast as they are passed by the legislature and approved by the governor, and these sheets are distributed in quantities to the several county clerks throughout the State, where they may be had upon application, free of cost, by any citizen. The sheets are also mailed to any citizen who may apply for them to the secretary of State, at Trenton.

The State geological board also has authority to print the special reports on the geology of the State and to distribute the same.

Aside from the latter reports, all reports by State boards and State officers are printed annually, under the direction of the State printing board. Usually 1,000 copies are reserved, to be bound up in the collection known as "Legislative documents," but it sometimes happens that the State printing board does not think it necessary to have so many copies printed. For example, only 600 copies were printed of the first report of the public record commission in 1899.

The foregoing summary of the legislative documents for the session of 1900 gives a correct idea of the general character of these documents presented from year to year. It will be seen that the functions of the State have been continually extended to cover a very large variety of penal, reformatory, correctional, eleemosynary, charitable, benevolent, industrial, agricultural, sanitary, and other purposes.

The appropriations made by the legislature in 1903 contain the following items among others:

Penal, correctional, and reformatory.—State prison, $214,500; State reformatory or intermediate prison, $82,000; State home for boys, $65,413; State home for girls, $28,849. Total, $390,762.

Hospitals, etc.—State hospitals for the insane, $432,436; county lunatic asylums, $257,540; home for feeble-minded women and children, $115,500, including $30,000 for new buildings and alterations; village for epileptics, $81,250, including $38,500 for improvements. Total, $886,726.

Eleemosynary institutions.—Soldiers' homes, $77,958; school for the deaf, $45,000; support of blind, $12,600; sanitarium for tuberculous diseases, $212,500. Total, $348,058.

Agriculture, fish, game, and oysters.—State board of agriculture, $6,000; agricultural experiment station, $19,500; agricultural college, $8,300; weather surveys, $2,000; horticultural society, $400; prevention of forest fires, $1,000; investigation and prevention of mosquitoes and other injurious insects, $13,000; protection and propagation of fish and game, $33,450; protection and cultivation of oysters and clams, $61,804. Total, $145,454.

Labor.—Bureau of statistics of labor, etc., $10,900; inspectors of factories and workshops, $10,500; State board of arbitration, $6,250. Total, $27,650.

State board of health, $36,457.

In quoting from the documents above, and from the acts of the legislature under which the several reports are made, the precise language of the documents or laws has been usually followed. Greater accuracy was thus insured, even if there seems an occasional lapse from purity of style.

THE "NEW JERSEY ARCHIVES."

The State of New York having sent John Romeyn Brodhead to Europe to glean from foreign archives such documents as related to the early history of that State—afterwards published in 10 quarto volumes of "Documents relative to the Colonial History of the State of New York" an effort was made in 1844 to secure his aid in procuring similar records relating to New Jersey, and Governor Daniel Haines, in his annual message in that year, urged the legislature to make an appropriation for the purpose. Nothing was done, however, and similar efforts in several successive years were equally unsuccessful. The New Jersey Historical Society having been organized in 1845 took the matter up in 1847, and began soliciting subscriptions for the purpose. In 1849 Henry

Stevens, of London, was employed to make an index to such documents in the British public offices as releatd to New Jersey. In 1851 he transmitted to the society nine portfolios containing the results of his labors. Further contributions of money were secured by the society, and in 1858 there was published a stout octavo volume (pp. xxix, 3, 504), entitled "An Analytical Index to the Colonial Documents of New Jersey, in the State paper offices of England," etc.

In 1872 the legislature appropriated $3,000 to "procure copies of colonial documents, papers, and minutes of council directly referring to the history of East and West Jersey and of New Jersey, now on file in the state paper office in London, England," the work to be done and the money expended under the direction of the New Jersey Historical Society. Further appropriations were made ($3,000 in 1874 and $1,000 in 1878) to carry on the work and arrange it for the press, and in 1880 the first volume of the "New Jersey Archives" was printed. In 1881 the legislature appropriated $3,000 annually for three years to continue the work; in 1884 a similar appropriation was made; in 1888, $3,000 annually for five years; in 1893 the sum of $3,000 was voted; in 1897, $1,300; in 1898 and annually since, $3,500 has been granted by the legislature for the same purpose. Fifteen hundred copies of the archives are printed, of which 1,000 are deposited in the State Library and 500 are given to the Historical Society as compensation for its services in furnishing material from its own collections, and in editing (without pecuniary compensation) the publication. A brief summary of the contents of the New Jersey Archives follows:

FIRST SERIES.

Vol. I. 1631–1687. The Dutch, Swedish, and English settlements. Grants for New Jersey, from the originals in the New Jersey Historical Society. Documents from England and elsewhere. 1880. 8vo. Pp. xxiii, 556.

Vol. II. 1687–1703. The government of East Jersey and of West Jersey. 1881. 8vo. Pp. xxi, 559.

Vol. III. Administrations of Lord Cornbury, Lord Lovelace, Royal Governors, of Lieutenant-Governor Ingoldsby, 1703–1709. 1881. 8vo. Pp. xiii, 512.

Vol. IV. Administrations of Governor Robert Hunter and President Lewis Morris, 1709–1720. 1882. 8vo. Pp. xv, 464.

Vol. V. Administrations of Governor William Burnet, Governor John Montgomerie, President Lewis Morris, Governor William Cosby, President John Anderson, and President John Hamilton, 1720–1737. 1882. 8vo. Pp. xvi, 520.

From 1703 to 1737 New Jersey and New York had been under the same governors who, however, received separate commissions for each province. In 1737 the King granted a petition for a separate governor for New Jersey, and appointed Lewis Morris.

Vol. VI. Administrations of Governor Lewis Morris, President John Hamilton, and President John Reading, 1738–1747. 1882. 8vo. Pp. xvi, 482.

Vol. VII. Administration of Governor Jonathan Belcher, 1747–1751. 1883. 8vo. Pp. xvi, 663.

Vol. VIII. Administration of Governor Jonathan Belcher, 1751–1757. 1885. 8vo. Pp. (2), xix (3), 299 (3), 285.

Vol. IX. Administrations of President John Reading, Lieutenant-Governor Thomas Pownall, Governor Francis Bernard, Governor Thomas Boone, Governor Josiah Hardy, and Governor William Franklin, 1757–1767. 1885. 8vo. Pp. (2), xxi, 656.

Vol. X. Administration of Governor William Franklin, 1767–1776. 1886. 8vo. Pp. (2), xx, 748.

General index to Vols. I–X. 1888. 8vo. Pp. (4), 198.

Vol. XI. Some account of American newspapers, particularly of the eighteenth century, and libraries in which they may be found: I. Alabama–Maryland. II. Extracts from American newspapers relating to New Jersey, Vol. I, 1704–1739. 1894. 8vo. Pp. cxxvi, (2), 623.

Vol. XII. Same. Part II. Massachusetts, Pp. cxxvii–ccxlviii. Extracts, etc., Vol. II, 1740–1750. Pp. (2), 729. 1895.

Vol. XIII. Journal of the Governor and Council. Vol. I, 1682–1714. 1890. 8vo. Pp. xi, 580. (Journal of the Governor and Council of East Jersey, 1682–1703, from the original manuscript volume in the State library. Journal of the Governor and Council of New Jersey, 1703–1714, from contemporaneous manuscript copies in the public record office, London, England.)

Vol. XIV. Journal of the governor and council of New Jersey. Vol. II, 1715–1738. 1890. 8vo. Pp. ix, 567.

Vol. XV. Same. Vol. III, 1738–1748. 1891. 8vo. Pp. vii, 656.

Vol. XVI. Same. Vol. IV, 1748–1755. 1891. 8vo. Pp. (4), 596.

Vol. XVII. Same. Vol. V, 1756–1768. 1892. 8vo. Pp. (4), 538.

Vol. XVIII. Same. Vol. VI, 1769–1775. 1893. 8vo. Pp. (4), 581.

Vol. XIX. I. Some account of American newspapers, and libraries in which they may be found. Part III, Michigan, New Hampshire. II. Extracts from American newspapers relating to New Jersey. Vol. III, 1751–1755. 1897. 8vo. Pp. lxxviii (2), 614.

Vol. XX. Extracts, etc. Vol. IV, 1756–1761. 1898. 8vo. Pp. xii, 704.

Vol. XXI. Calendar of records in the office of the secretary of state, 1664–1703. (Prepared by B. Fernow.) 1899. 8vo. Pp. xii (2), 770. (Index, pp. 685–770.)

Vol. XXII. Historical introduction on the early marriage laws of New Jersey, and the precedents on which they were founded, pp. vii–cxxvi. Index to marriage bonds and marriage records in the office of the secretary of state, pp. 1–466. Other marriage records, churches, Friends' meetings, and county clerks' offices, to 1800, pp. 467–678. 1900. (Published in 1903.) 8vo. Pp. xii, vii–cxxvi, 678.

Vol. XXIII. Historical Introduction on the Early Testamentary Laws and Customs of New Jersey, 1670–1898, pp. ix–lxxxix. Calendar of New Jersey Wills. Vol. I, 1670–1730. (Prepared by B. Fernow.) 1901. (To be published in October, 1904.) 8vo. Pp. lxxix, 530. Index, pp. 531–662.

Vol. XXIV. Newspaper Extracts, etc., Vol. V, 1762–1765. 1902. (To be published in November, 1904.) 8vo. Pp. xi, 745.

Vol. XXV. Newspaper Extracts, etc., Vol. VI, 1766–1767. 1903. 8vo. Pp. x, 528+index. (Not published.)

Vol. XXVI. Newspaper Extracts, etc., Vol. VII, 1768–1769. 8vo. Pp. x, 593+index. (Not published.)

Vol. XXVII. Newspaper Extracts, etc., Vol. VIII, 1770–1771. (Not completed.)

Several other volumes are in preparation or contemplation. Vols. I–VII were edited by William A. Whitehead; Vol. VIII by Frederick W. Ricord; Vols. IX–X by Frederick W. Ricord and William Nelson; Vols. XI–XII by William Nelson; Vols. XIII–XV by Frederick W. Ricord and William Nelson; Vols. XVI–XVIII by Frederick W. Ricord; Vols. XIX–XXVII by William Nelson, who has prepared the History of American Newspapers in Vols. XI–XII, XIX–XX, and the Historical Introductions to Vols. XXII–XXIII.

SECOND SERIES.

Vol. I. Newspaper Extracts, 1776–1777. Edited by Gen. William S. Stryker. 1901. 8 vo. Pp. vi, (5)–614.

Vol. II. Same, 1778. Edited by Francis B. Lee. 1903. (To be published in the summer of 1904.)

Vol. III. Same, 1779. Edited by William Nelson. (In press.)

Vol. IV. Same, 1780. Edited by Francis B. Lee. (In preparation.)

Other volumes are planned, completing the series of Newspaper Extracts to the close of the Revolution; also embracing

correspondence and rare documents relating to the history of New Jersey during the Revolution, and perhaps to the close of the Continental Confederation.

A third series has been mooted, to embrace documents from 1789 to 1800.

PROPRIETARY RECORDS AT PERTH AMBOY AND AT BURLINGTON.

The patent of New Jersey, from Charles II to his brother, James, Duke of York, conveyed not only the title to the soil but the right of government. By sundry mesne conveyances the title and sovereignty became vested, as to East Jersey, in twelve, and later twenty-four, proprietors, whose grantees to this day are known as the Board of Proprietors of East Jersey. West Jersey, in like manner, passed into the hands of private owners. Much of the territory came into the ownership of the Council of Proprietors of West Jersey. The rights of government were surrendered by the proprietors of both provinces to Queen Anne in 1702. The title to the soil, so far as unappropriated, remained in the proprietors. The records of the proprietors of East Jersey are preserved at Perth Amboy. It is doubtful if there is another real-estate corporation in America with records in an uninterrupted series from 1666 to 1904. The West Jersey records, at Burlington, extend from 1676 to date. These records include minutes of the proprietors in the respective provinces or divisions, warrants for unlocated lands, and surveys of the same. But in addition to these formal matters there have accumulated in these offices a great mass of miscellaneous records and documents covering a wide range—official, personal, religious, etc. Many documents brought by the first settlers from England and Scotland have drifted into these offices.

A calendar of the records in these two offices is a great desideratum for historical students. The Public Record Commission of New Jersey hopes to secure and to publish such an analytical and descriptive index some day.

SOME LOCAL RECORDS.

At Woodbury, the county seat of Gloucester County, is an extraordinarily rich collection of early county, court, and municipal records, extending back to about 1676.

Middletown, Monmouth County, has its original Town Book, 1665. It was printed some years ago.

Elizabeth has a very early Town Book.

Newark has town records from 1666; the original book is not known to exist, but it was copied in 1775, and this is the oldest volume in the possession of the city. Another Town Book, begun in 1692, containing records of wills, some conveyances, and other entries, is in the possession of the New Jersey Historical Society.

Woodbridge has town records, marriage records, etc, from 1665.

In the office of the clerk of Middlesex County, at New Brunswick, are some town and other records extending back into the seventeenth century.

Essex County has no records known to the writer older than some court minutes (from 1709) and road returns from 1698.

The writer published a description of the records in the Bergen County court-house at Hackensack in proceedings of the New Jersey Historical Society, second series, Vol. III, 1874.

A detailed account of the records in the older counties would be of great interest and value.

"Church Records in New Jersey" is the title of a pamphlet of 32 pages, published by the writer in 1904, giving a brief account of the records of about 180 churches and Friends' meetings in New Jersey, particularly before 1800; what they include, where they may be found, and where and when they have been printed, if at all, with notes of many church charters. Being in the nature of a first attempt it is necessarily imperfect, but will form the basis of a more accurate work.

REPORT ON THE ARCHIVES OF RHODE ISLAND.

By Clarence S. Brigham,
Librarian of the Rhode Island Historical Society.[a]

INTRODUCTION.

The accompanying report attempts to list and describe all of the manuscript archives in the possession of the State of Rhode Island, of the five county courts, and of each city and town in the State. The labor of compiling this report has been a much greater task than was at first supposed. The inaccessibility of many of the records, the examination of hundreds of volumes whose lettering on the back gave no adequate description of the contents within, the great variety of records kept by the towns, especially those incorporated in the seventeenth century, and the time consumed in visiting personally the town offices, some of which were 8 or 10 miles from the nearest railroad, have been cogent reasons for confining this report to the archives alone. It had at first been intended to enumerate all of the State, city, and town printed material, but on account of the considerations mentioned above it has been deemed best to leave such an enumeration for some future time, making only such occasional reference to printed reports as seemed necessary.

The manuscript archives of the State of Rhode Island properly consist of the documents and papers in the custody of the secretary of state, the official files of the various departments of the State, and the occasional documents of a public nature deposited with the State by private individuals. The richness and value of this collection has been much more appreciated now that the documents finally have been brought together under one roof in the new statehouse at Providence.

[a] Assisted in parts of the report by Frank G. Bates, Ph. D., Professor of History, Alfred University.

The joint select committee upon the public archives, appointed in 1860 to examine the public documents in the old statehouse, reported that "the public archives of this State are rich in almost every variety of rare and valuable documents, whether for illustrating the political, municipal, legislative, or judicial history of the State, and that the loss of them, by whatever means, either by fire or by process of decay for want of proper care, would be an irreparable loss." Conditions have greatly changed since 1860, but it will not be long before some of the departments will be looking for more room to store their records, and as is generally the case the earlier records will be placed in some other depository to make way for those in later and current use.

The suggestion of the State record commissioner, Mr. R. Hammett Tilley, is well worthy of attention in this regard. In such an office he says (Report, 1898, p. 8, 1899, p. 6) "the records and papers in the custody of the secretary of state, and all court papers and files, previous to a fixed date, could be properly arranged, indexed, and cared for. Many papers now in private hands would be placed in public custody if the owners were certain they would be properly preserved and made available. Many public documents now scattered in other departments would be brought together. Questions that now are asked of different officials could be answered by one, and information that can not now be obtained without much trouble and expense could, in most cases, be promptly furnished."

No complete enumeration of the printed documents of the State has ever been made, nor is it probable that a complete list could be compiled at this day. Bowker's State Publications, 1899, is very incomplete and contains inaccuracies. Mr. J. H. Bongartz has published a Check-List of Rhode Island Laws to 1893, and the authors of this report have prepared a tentative check list of Rhode Island documents printed since 1850. This latter, published in the report of the State librarian for 1903, is confessedly incomplete.

The court records of the State consist of the various documents in possession of the five county courts of the State—the Bristol County court-house at Bristol, the Kent County court-house at East Greenwich, the Newport County court-

house at Newport, the Providence County court-house at Providence, and the Washington County court-house at Kingston. These records are nearly all in good condition and well cared for, although some of the offices require more ample quarters for their rapidly accumulating records. The earlier records of these offices contain many plats, depositions, deeds, etc., filed with petitions, which are of great value.

The records of the twelve district courts of the State, which are not enumerated in this report, might properly be mentioned in this place. These courts were established in 1886. According to statute law they "have the custody of all the records, books, and papers of the several justice courts heretofore established within their respective judicial districts."

The town records consist of the various archives in the possession of the thirty-three towns and five cities of the State. The great variety of these records is explainable from the fact that at the present day a town clerk is supposed to keep about two dozen different kinds of record books, and the law in regard to the method of keeping the records has been constantly changing for the last two hundred and fifty years. The condition of the town records throughout the State is on the whole very good. Comparatively few of the volumes have been lost or destroyed, although unfortunately the same statement can not be made as to the miscellaneous papers and documents, such as original petitions, letters, tax lists, etc. There is, however, a far keener appreciation to-day of the value of the early records than there was a decade or two ago, a condition of affairs undoubtedly brought about by the excellent work of the State record commissioner. In many of the towns the earliest volumes have been preserved and rebound by the Emery process, North Kingston, Newport, Bristol, and Westerly having done especially well in this direction.

Only one or two of the towns are to-day without some sort of fireproof receptacles for the records, and there seems to be a growing desire on the part of town councils to provide more safe and ample accommodations for the records of their respective towns. The Massachusetts statute regarding the preservation of records is worth quoting in this place, as there is no

reason why a similar law should not be in force in Rhode Island:

> Every officer or board in charge of a State department, board of county commissioners, city government, and board of selectmen shall, at the expense of the commonwealth, county, city, or town, provide and maintain fireproof rooms, safes, and vaults, for the keeping as aforesaid of the public records of their department, county, city, or town, other than the public records in the custody of the teachers in the public schools, and shall hereafter furnish for such rooms only fittings of noncombustible material.

A bibliography of town documents, as well as of State documents, would be of considerable value, although a task of more difficulty on account of the greater inaccessibility of the material. Very few of the towns have complete sets of their own documents, such as tax books and school reports, and the only collection that approaches completion is in the library of the Rhode Island Historical Society. The State library has a fairly good set of the tax books and there are partial sets in the Rider collection in Brown University, in the Westerly public library, and in private hands. In the office of the State board of education there is a set of the school reports of the various towns from 1874 to date. In the present report the attempt is made to list the printed tax books and school reports of the towns and all of the collections mentioned above have been consulted to that end.

There has been no attempt in the report on town records to list any records outside of the town clerk's office. There are undoubtedly many records of school boards, justices of the peace, etc., which are scattered around in private hands, which it would be manifestly impossible to enumerate. It should be borne in mind that the material for this report was mostly gathered in the latter part of the year 1903 and that the constant reference to records as coming "to date" means to the close of the year 1903.

Acknowledgment is hereby made to all of the various State and town officials who have so kindly extended to us the courtesies of their offices. To Mr. William Jones, Ph. D., instructor in history in Brown University, who has been of great assistance to me, particularly in the compilation of material on the court records, acknowledgment is especially due. To Frank Greene Bates, Ph. D., professor of history at Alfred

University, and formerly State librarian of Rhode Island, is due the compilation of the larger part of the material on the State archives. The State record commissioner, Mr. R. Hammett Tilley, has aided me with many kind suggestions.

STATE ARCHIVES.

In this report the State archives are grouped, first, under the respective offices where they are deposited, and, secondly, by subject. Most of the archives at the statehouse, for various reasons, are in the custody of the secretary of state. The early corporate character of the colony led naturally to the making of the secretary of the corporation, or the "general recorder," the custodian of the records, books, and papers of the colony. As the various departments of the government were created they were supposed to keep their own records in their respective offices, but all records not distinctly belonging to any one office were still deposited with the secretary. The secretary's office, the only office that has continuously been located at the statehouse, has accordingly from time to time been made the repository of papers relating to other departments, and contains the largest and most valuable portion of the archives of the State. The removal of the various branches of the government to the new statehouse is so recent that the work of arranging the archives in their final resting place is not yet complete. In this report the archives are given a general classification by subject, although their arrangement upon the shelves does not follow the same plan.

The papers are grouped under the following heads:

Secretary of state's office:
- Statutes.
- General assembly—
  - Proceedings.
  - Senate journals.
  - House journals.
  - Reports of committees.
  - Petitions.
  - Bills.
  - Charters, etc.
  - Miscellaneous.
- Treasurer and financial.
- Vital records.

Secretary of state's office—Continued.
Law and equity cases.
Governor and council.
Boundaries.
Census.
Constitutions.
Admiralty and maritime.
Military.
Notary public.
Letters.
Miscellaneous.
General treasurer's office.
Auditor's office.
Board of education.
Adjutant general.
Board of charities and corrections.
Railroad commissioner.
Board of agriculture.
Board of health.

SECRETARY OF STATE'S OFFICE.

STATUTES.

Of the manuscripts relating to the various revisions of the laws are the following:

Body of laws of the colony of Rhode Island 1663–1705. (The first compilation of the laws. Printed for the first time in 1896, with a historical introduction by Sidney S. Rider.)

Records of the committee appointed by the general assembly, to which were referred the Revised Code of the Public Laws, 1857.

Act comprising the general statutes of Rhode Island as passed 1872.

Original copy of the public statutes of Rhode Island, 1882, as passed by the general assembly.

Original copy of the general laws of 1896 as passed by the general assembly.

GENERAL ASSEMBLY.

PROCEEDINGS:

Records of the general assembly to 1851, 29 volumes. (Volumes 1–13 of this series form the basis of Bartlett's Rhode Island Colonial Records.) The first volume is lettered: "Rhode Island Colony Records, 1646–1669."

> This volume contains memorandums of transfers of lands, of land boundaries, town grants to individuals, proceedings of the court of trials, and after 1656 only the records of the general assembly and of the court of trials. Under a resolution of the general assembly in January, 1824, a transcript of the above book was made and is arranged with the other volumes of the series in the archives. It is lettered: "Ancient Records of the Colony of Rhode Island and Providence Plantations from the First Settlement on the Island of Aquidneck in the year 1638 to 1670. Copied from the originals by Charles Gyles, of Newport."

PROCEEDINGS—Continued.

The other volumes, unnumbered but bearing dates, follow in this order:

2. 1671–1686.
3. 1686–1715.
4. 1715–1729.
5. 1729–1746.
6. 1746–1757.
7. 1758–1762.
8. 1762–1772.
9. 1772–1777.
10. 1777–1779.
11. 1779–1781.
12. 1781–1785.
13. 1785–1791.
14. 1791–1796.
15. 1796–1801.
16. 1801–1805.
17. 1806–1809.
18. 1809–1814.
19. 1814–1817.
20. 1817–1820.
21. 1820–1824.
22. 1824–1828.
23. 1828–1832.
24. 1832–1835.
25. 1835–1838.
26. 1838–1841.
27. 1841–1844.
28. 1844–1848.
29. 1848–1851.

(Although volume 3 is lettered 1686–1715, the records from October, 1690, to July, 1695, with the exception of August, 1692, and also from March, 1697, to May, 1698, are missing. There are, of course, no records for 1687 and 1688, during which years the colony was under the Andros rule. See Schedules, January, 1827, p. 30; January, 1828, p. 3.)

Proceedings of the general assembly of Rhode Island.

Vol. 1. 1649–1670.
Vol. 2. 1671–1699.
Vol. 3. 1700–1710.
Vol. 4. 1711–1721.

(This is an incomplete file of the manuscript schedules of the general assembly.)

Acts and resolves:

The acts and resolves of the general assembly were until a late day copied on loose sheets of paper and at some subsequent date collected in scrap-book form. This set of 121 volumes contains the acts and resolves of the general assembly from 1728 to date. They are variously lettered "Acts and Resolutions," "Acts and Resolves," and "Public Acts and Resolutions."

There is also an odd volume of Acts and Resolves containing certain acts of the year 1838.

Senate and house journals:

Journals of the senate, 1733–1894. 34 vols.

Journals of the house of representatives, 1722–1891. 57 vols.

The more recent journals of the senate and house are not yet filed with the archives, but are in the custody of the clerks of the two houses.

Reports of committees:

Reports of committees to the general assembly, 1728–1860. 15 vols.

1. 1728–1750.
2. 1751–1765.
3. 1766–1778.
4. 1778–1788.
5. 1788–1800.
6. 1801–1809.
7. 1810–1817.
8. 1818–1830.
9. 1831–1837.
10. 1837–1842.
11. 1843–1846.
12. 1847–1852.
13. 1853–1857.
14. 1858–1860.
15. Index.

About 250 filing boxes of original reports to the general assembly and miscellaneous papers, 1840 to date. These papers are at present somewhat inaccessible, until the completion of the furnishing of the room where they are stored.

Testimony before a committee of the senate of the State of Rhode Island, appointed to investigate frauds in elections, February, 1865.

Petitions:

Petitions to the Rhode Island general assembly, 1725–1860, 73 vols.

Index to petitions to the general assembly, 1801–1848, 3 vols.

Bills:

Engrossed bills, 1857–1897, 19 vols.

Engrossed judiciary act, 1893.

Record of bills introduced, 1884–1889, 1 vol.

Calendar of bills, house of representatives, May, 1888, to March, 1894.

Charters, etc.:

Charters of incorporation granted by the general assembly, 1790–1901, 70 vols.

Certificates of organization of corporations returned to the secretary of state.

Vol. 1. 1865–1898.
Vol. 2. 1898 to date.

Record of certificates of incorporation of companies under chapter 1200 of the public laws, 1893–1895.

Certificates of incorporation of business corporations under the general law.

Vol. 1. 1896–1902.
Vol. 2. 1902 to date.

Certificates of incorporation of literary, etc., corporations incorporated under the general laws.

Vol. 1. 1896–1902.
Vol. 2. 1902 to date.

Certificates of incorporation of Roman Catholic churches under the general law.

Miscellaneous:

Grand committee proceedings, May 26, 1893.

Record of attendance, senators, 1901 to date.

TREASURER AND FINANCIAL (SEE ALSO GENERAL TREASURER'S OFFICE).

The treasurer's accounts of the colony of Rhode Island and Providence Plantations, 1672. (Contains the general treasurer's accounts, 1672–1711.)

Volume with lettering illegible. (Contains general treasurer's accounts, 1712–1731, followed by auditor's reports from 1732 to 1812.)

The general treasurer's waste book. (Containing general treasurer's accounts, 1733-1739).

Treasury day book. (Containing general treasurer's accounts, 1745–1756.)

Alaphabetical book, No. 6, 1761. (Containing general treasurer's accounts, 1761–1780.)

Record of certificates or notes against Rhode Island issued for debts incurred in the Revolution. (Gives holder's name and abstract of nature of claim, whether for service or otherwise.)

Records of the rate estimate committee appointed by the general assembly, 1855.

Book of descriptions of notes on which the State has paid a part under act of June, 1791.

State valuation, 1855. (Contains valuation lists of the city of Providence as made out by the State commission.)

Report of the registered State debt with certificates, 1849. (Contains also sketch of the history of the State debt as prepared by the committee.)

Register of certificates issued in exchange for the debt of this State, in conformity with an act passed by the general assembly, June, 1797.

Book containing list of banks, 1804, list of chartered companies (military), 1741–1843.

Subscribers to the stock of certain banks, 9 vols, 1830–1854.

Bundle, accounts of collectors of imposts, 1785.

Record of mortgages, deeds, or bonds given to the State as security for emissions of paper.

Accounts of the colony of Rhode Island with Richard Partridge, colonial agent in England, 1715–1746.

Bundle of papers relating to surplus revenue deposited with banks, 1836–1843.

Fines and recoveries, 1728–1750, 1 vol.

Treasurer's paper money account book, 1728–1762, 1 vol.

Estimates of damages received in the riots of 1765.

Register of claims arising from holders of notes or certificates, 1795–1814.

VITAL RECORDS.

Returns of births, marriages, and deaths, 1852 to date, 45 vols. (These are the returns from the town and city clerks, giving the name of and statistics regarding persons born, married, or deceased in every town in the State from 1852 to date.)

Index of births, 1852 to date, 8 vols.

Index of marriages, 1852 to date, 4 vols.

Index of deaths, 1852 to date, 5 vols.

(For a summary of laws regarding registration of vital statistics, see under Board of health office.)

LAW AND EQUITY CASES.

Rhode Island law cases, 12 vols. (Contains principally appeals from the inferior courts or the supreme court of judicature to the general assembly, 1725–1740, 1780–1799.)

Records of judgments of court of equity created by special act September 8, 1741. 1741–1743. (Contains judgments rendered.)

Cases in equity, 1741–1743, 6 vols. (Contains papers in cases appealed to the general assembly from the supreme court of judicature.)

GOVERNOR AND COUNCIL.

Governor and council, 1667–1753. "The Booke of Records Containing the Acts and Orders made by the Governor and Council both General and Perticular since the first of May, 1667."

Records of fines and recoveries under act of the general assembly for "docking" and cutting off estates tail, 1727–1750.

General council, probate records, 1798–1806. (Containing proceedings of the general council sitting as supreme ordinary and judge of probate. The council sitting in this capacity also called "Supreme court of probate.")

General council. 1756–1772. (Contains acts of general council, composed of governor, deputy governor, and assistants, on probate appeals from town councils. The council also acted as a council of war, 1755–1762.)

Bundle of probate papers, being papers in cases appealed to the Governor and council.

BOUNDARIES.

Rhode Island and Massachusetts boundary commission, 1741. Copy of a volume in the office of the secretary of state of New York, containing the records of the court of commisssoners for determining the boundary between Massachusetts and Rhode Island. Presented to the State of Rhode Island in compliance with a resolution of the legislature of New York, March, 1849.

Massachusetts and Rhode Island boundary documents, 2 vols.
Vol. 1. 1666–1769.
Vol. 2. 1770–1842.

Rhode Island and Massachusetts boundary line. (Contains proceedings of the commissioners for settling the eastern boundary between Rhode Island and Massachusetts Bay. Copied from the original record preserved in the State paper office, London, 1845.)

Field notes on the survey of the State of Rhode Island, made by James Stevens, 1819.

Three bundles of plats of State boundaries.

One bundle of plats of town boundaries and highway layouts.

Portfolio of plats of highway layouts, turnpikes, dividing lines, etc., 1733–1835 (45 plats).

Divisions of towns, 1728–1842. (Contains papers relating to divisions of towns either accomplished or proposed.)

Bundle of copies of plats of early divisions of land in Warwick.

Plat of the Seekonk River.

CENSUS.

Census of the colony of Rhode Island, 1774. (Printed in 1858, edited by J. R. Bartlett.)

Census of Rhode Island, 1776. (Portfolio containing the original enumerators' schedules of the census ordered 1776. Completed April, 1777.)

Census of 1870, 12 vols. (Original enumerators' schedules.)

Census of 1875, 20 vols. (Original enumerators' schedules.)

Census of 1885, 16 vols. (Original enumerators' schedules.)

Census of 1895. (The original returns, tied up in bundles, are in the office of the commissioner of industrial statistics. They have not as yet been transcribed into volumes.)

The censuses for 1782, 1850, 1860, and 1865 are deposited with the Rhode Island Historical Society,

CONSTITUTIONS.

Papers relating to the adoption of the Constitution of the United States. (Contains votes in the towns with reference to the adoption of the Constitution. Instructions to town delegates. Papers relating to adoption by other States. Minutes of the constitutional convention of Rhode Island. Miscellaneous papers.)

Constitution of the United States with ratification by the State of Rhode Island with suggested amendments.

Journal of the constitutional convention held at Newport, 1824.

Journal of the constitutional convention, November, 1841.

Constitutions, 1841–42. (Contains papers and proceedings upon the constitutions of 1841 and 1842.)

ADMIRALTY AND MARITIME.

NOTE.—The following is a summary of the important laws regarding courts of admiralty in the colony:

The general assembly, January 7, 1695, established the general council of the colony as a court of admiralty (Arnold, History of Rhode Island, vol. 2, p. 49) for the condemning of prizes and the administering of seafaring matters. This act was annulled by the English Government in 1704, and all admiralty matters placed in charge of Governor Dudley, as vice-admiral of New England (R. I. Col. Rec., vol. 3, p. 509). The admiralty was thus placed under royal control. In 1743 a table of fees for the court of vice-admiralty was adopted by the general assembly (R. I. Col. Rec., 5, 74). By an assembly act of December 18, 1766, the register of the court of vice-admiralty was required to keep a register of all prisoners of war brought into the colony, which amended the act of February, 1748, requiring the secretary of the colony to keep such a register (Digest of 1767, p. 212; R. I. Col. Rec., 5, 241). At the beginning of the Revolution the assembly recognized privateering, in conformity with an act of Congress, and in March, 1776, established a prize court (Schedules, March, 1776, p. 312). In July, 1780, a new act establishing a court of admiralty was passed, which repealed the act of 1776

and all subsequent acts except the law of June, 1780, stating fees (Schedules, July, 1780, 2d sess., p. 9).

In October, 1784, the assembly ordered that all early admiralty records, papers, etc., formerly belonging to the court of vice-admiralty of the colony should be delivered by the executors of the late register of the court to the secretary of state (Schedules, October, 1784, p. 26; February, 1785, p. 47).

Admiralty papers, 1726–1750, 2 vols.
Vol. 1. 1726–1745.
Vol. 2. 1746–1750.

Admiralty papers, 1740–1783. (Comprising 9 bundles of miscellaneous admiralty papers.)

Admiralty papers, 1776–1780. (Comprising three bundles of papers in prize cases adjudicated in admiralty courts, with miscellaneous shipping papers, commissions of privateers, sailing orders, registries, etc.)

Register of Rhode Island vessels, 1776–1783, 3 vols. (Contains registry of vessels by intendant of trade.)
Vol. 1. 1776–1778.
Vol. 2. 1778–1782.
Vol. 3. 1782–1783.

Bonds, masters of vessels, 1780–1785, 3 vols. (Contains bonds given by masters of vessels to intendant of trade.)

Petitions and instructions, letters of marque, 1776–1780. (Contains petitions to the State government for letters of marque and instructions to privateers.)

Outward entries and manifests, 1782–1787. (Contains entries of cargoes on outward-bound vessels.)

Book of manifests, Providence impost office, 1785–1789, 1 vol.

MILITARY PAPERS.

French war. (Containing communications from Governor Shirley, proceedings of councils of war, military returns, replies of Massachusetts to Governor Shirley.)

Papers relating to the French war, 1740–1763.

Minutes of the council of war, 1776–1781.
Vol. 1. 1776–1777.
Vol. 2. 1777–1778.
Vol. 3. 1778–1779.
Vol. 4. 1779–1781.

Military returns, 1776–1782. (Contains rolls of companies, pay abstracts, accounts.)
Vol. 1. 1776–1777.
Vol. 2. 1778–1782.
Vol. 3. Not chronologically arranged.
Vol. 4. Not chronologically arranged.
Vol. 5. Not chronologically arranged.

Regimental book of the Rhode Island Regiment, 1781. (Contains register of leaves of absence to officers, enlistments, casualties, deserters, levies discharged, roll of honor, orders, etc.)

Accounts of deputy quartermaster-general under Major-General Sullivan, 1778.

Invalid pensioners. (Containing returns of invalid pensioners, officers who died in service, being duplicates of returns to the Secretary of War April 8, 1790.)

Papers of John Waterman Memorial Commission, 1895.

Proceedings of the council of war, 1812–1815.

Book of public certificates paid to soldiers of Rhode Island Line. Balance due on a final settlement with the United States.

Military officers appointed and commissioned by Governor Sprague, 1861–62.

Register of persons desiring permits to leave the State, 1862.

Bundle marked military papers, 1743–1764. (Contains accounts, muster rolls, etc., 1743–1764. Forms of commissions.)

Bundle. Minutes, accounts, etc., of the council of war, 1777–1782.

NOTARY PUBLIC.

A list of the acts passed in reference to notaries public may be of service in this place:

1705, October. An act establishing a public notary in the colony for the performance of all matters relating to the drawing of protests, etc., and providing that the general recorder of the colony fill the position. (R. I. Col. Rec. iii, 451; Digest of 1745, p. 37.)

1751, August. An act for erecting and establishing the office of a notary public in the town of Providence. Preamble recites great increase in trade of Providence and inconvenience from fact that only officer of the kind resides at Newport. (Digest of 1752, p. 102.)

1792. An act for the appointment of public notaries. Provides for annual appointment of public notary in each county. (Digest of 1798, p. 398.)

1822. General assembly to appoint as many notaries for several counties as may seem expedient. Their duties defined. (Digest of 1822, p. 300.)

1893, May 24. Notaries public to be appointed by the governor. (Acts and resolves, January, 1893, ch. 1189.)

The series of records in the archives begin with volume 4 and contain powers of attorney, protests, articles of apprenticeship, manifests, affidavits, documents relating to privateers, and miscellaneous acknowledgments:

Vol. 4. 1721–1741.
Vol. 5. 1741–1753.
Vol. 6. 1753–1757.
Vol. 7. 1758–1768.
Vol. 8. 1769–1796.

Notarial Record Books, 1860–1866.

Vol. 1. 1860–1863.
Vol. 2. 1863–1866.

LETTERS.

In 1753 there was passed an "Act for registering public letters." (See Digest of 1767, p. 219, where the marginal references are to the years 1753 and 1757). By this act all letters sent by the colony to its English agent, or to other public persons or officers were to be kept in a book for the purpose; and all public letters received by the colony were to be kept in another book. Although this act was not obeyed exactly, henceforth public letters were more carefully preserved, for the act was repeated in subsequent digests. Practically no public letters previous to 1731 have been preserved, although there is frequent reference to their having been received.

Letters, 1731–1800, 4 vols. (Containing letters from the governor.)
- Vol. 1. 1731–1767.
- Vol. 2. 1768–1777.
- Vol. 3. 1778–1779.
- Vol. 4. 1780–1800.

Letters, 1731–1849, 24 vols.
- Vol. 1. 1731–1741.
- Vol. 2. 1742–1745.
- Vol. 3. 1746–1750.
- Vol. 4. 1750–1756.
- Vol. 5. 1756–1758.
- Vol. 6. 1758–1763.
- Vol. 7. 1763–1775.
- Vol. 8. 1776.
- Vol. 9. 1776–1777.
- Vol. 10. 1777.
- Vol. 11. 1777–1778.
- Vol. 12. 1778.
- Vol. 13. 1778–1779.
- Vol. 14. 1779–1780.
- Vol. 15. 1780.
- Vol. 16. 1780–1781.
- Vol. 17. 1781–1782.
- Vol. 18. 1782–1783.
- Vol. 19. 1783–1785.
- Vol. 20. 1785–1788.
- Vol. 21. 1789–1800.
- Vol. 22. 1801–1814.
- Vol. 23. 1815–1839.
- Vol. 24. 1840–1849.

Letter book, 1756–1765. (Containing letters to the governor.)

Portfolio. (Containing letters of 1773 and 1774 to and from the governor, including correspondence at the removal of Governor Joseph Wanton.)

Letters to the governor, 1790–1810. (Contains also report of commissioners on Blackstone Canal and records of appointments, 1841–1846.)

MISCELLANEOUS RECORDS.

Records of the Island of Rhode Island. (Contains original records of Portsmouth until the separation, and the records of Newport from that time to March 15, 1643–44.)

Land evidences, 1648–1721. (Containing land evidences recorded with the general recorder):

Vol. 1. 1648–1696.
Vol. 2. 1671–1708.
Vol. 3. 1707–1721.
Vol. 4. 1721–1741.

Fones Record, 1660. (Contains "Records of deeds and agreements and orders, etc., belonging to the proprietors of the Narragansett," 1659–1677. Printed in 1894, edited by J. N. Arnold.)

Portfolio gleanings from early town history of Providence. (Copies of papers in Massachusetts, New York, and Connecticut records relating to Rhode Island. 17th century.)

Portfolio containing miscellaneous letters and papers, 1762–1774. Reports to general assembly, 1724.

Miscellaneous papers, 1728–1795. 3 volumes and 2 portfolios.

Orders of the King in council, 1734–1783. (Contains orders concerning boundaries; appeals in cases arising from the acts of trade, probate privateers, defense, etc.)

Narragansett Indians, 1735–1842. (Contains petitions, acts, letters, etc., relating to the Narragansetts.)

Proceedings of the Congress at Albany, 1754. (Contains credentials of delegates, minutes of proceedings, plan of union.)

Proclamations, 1756–1902, 2 vols.

Bundle of account books, etc. (Containing accounts of estate of R. Aldrich, 1821; accounts of United States with Thomas Greene; Census of Providence, 1776; money advanced to officers, 1776–1782; account of losses in Montreal fire, 1763.)

Portfolio. Papers on Indians; French war; estimate of State valuation, 1767.

Portfolio containing papers relating to the loyalists, Augustus Johnson, Martin Howard, and Dr. Thomas Moffat.

Gaspee papers, 1772–73. (Contains documents and correspondence relating to the destruction of the Gaspee and the proceedings in consequence thereof.)

Proceedings of the Congress at Philadelphia, 1774. (Containing official record of the proceedings.)

Bundle. Copies of letters and documents concerning Rhode Island, 1774–1782.

Four portfolios of miscellaneous drafts of acts, protests, letters, deeds, petitions.

Register of commissions by the governor and general assembly, 1831–1848. (Contains lists of judges, clerks of courts, notaries, justices of the peace, military officers, and miscellaneous and occasional appointments.

Masonry and anti-Masonry, 1833–4. (Contains memorials, petitions, correspondence, and testimony relating to the anti-Masonic movement.)

Appointments made and commissioned by the governor, 1851–1858.

Record books of mortgages, bonds, trustees' proceedings, and other records relating to certain railroads in the State, 1852–1893, 5 vols.

List of commissioners of Rhode Island in other States, 1865–date.

Record book of the commissioners appointed and organized under an act passed March 31, 1880, to abolish the tribal authority and tribal relations of the Narragansett Tribe of Indians. 1880–1882.

In one of the vaults of the Secretary of State is a series of wooden boxes of papers. While these boxes are labeled, the lettering suggests so little of their contents that it has been deemed best to give a general idea of the contents of each. The collection comprises 26 boxes and 3 trunks.

One series of 11 boxes, variously labeled "Accounts," "Accounts and miscellaneous," etc., covers the period from 1730 to 1844. They are:

1730–1774. Accounts of Partridge and Sherwood, 1731–1760; accounts of Secretary, 1751–1761; accounts of Fort George, 1740–1744; petitions to the general assembly, 1772–1774.

1775–1788. Accounts, 1775–1786; petitions, 1774–1779; hospital accounts, 1778–79; returns of deputies, 1780.

1785–1799. Accounts, 1785–1799; petitions, 1782–1799; returns of representatives, 1797–1799; bills, 1795; executions returned, 1798–1799.

1800–1807. Accounts, 1800–1807; bank statements, 1800–1807.

1808–1813. Accounts of general assembly, 1808–1813; petitions, 1808–1313; bank returns, 1809–1813; returns of representatives, 1808–1814.

1814–1817. Accounts, 1814–1817; petitions, 1814–1817; bank returns, 1814–1817; returns of representatives, 1815–1817; court-martial accounts, 1817; case of N. Hail *v.* Creditors, 1815.

1818–1821. Accounts, 1818–1821; bank statements, 1818–1821; petitions, 1818–1821; returns of representatives, 1818–1821; report on education, 1821; bills and report of committees, 1821; petitions for banks, 1818.

1822–1827. Accounts, 1822–1827; petitions for new trial, 1825–1827; returns of deputies, 1822–1826; bank returns, 1822–1827; petitions, 1822–1827; general treasurer's report, 1825; justice's returns, 1825; report of committee on state of banks, 1823; act for admission of freemen, 1822.

1828–1834. Accounts, 1828–1834; petitions, 1828–1834; bank returns, 1828–1834; returns of representatives.

1835–1838. Accounts, 1836–1838; petitions to general assembly, 1835–1838; returns of deaf and dumb; returns of representatives, 1835–1838; Burrillville bank papers; report on Merchant's Bank, 1837; bank returns, 1835–1837; petitions on State prison, 1832–1835.

1839–1844. Accounts, 1839–1844; petitions, 1839–1844; bank abstracts, 1839–1844; school returns, 1840–1842; returns of representatives, 1839–1842; certificates of election of constitutional convention, 1841; petition to restore town government in Providence, 1839; petition for liberation of T. W. Dorr, containing large number of autograph signatures.

Three boxes on the "Revolutionary war" contain among other papers—

Receipt books for wood, 1777–1778; papers of council of war, 1776–1780; commissions and resignations, 1777; accounts of State with the United States, 1776; pay abstracts, 1777–1780; returns of clothing, 1778; accounts in Connecticut for keeping Rhode Island soldiers, 1777–1778; inquiry into the staff department; accounts against the State, 1775–1783; returns for supplies, 1777–1781; accounts for losses of estates on Rhode Island; papers relating to prisoners of war, 1776; papers relating to Colonel Olney's regiment, 1781–1783.

Then follow boxes on miscellaneous subjects, as below:

Military returns, 1750–1846. Two boxes. (Contain returns of State militia and independent companies, 1750–1846; adjutant-general's reports, 1810, 1825, 1827.)

Mexican boundary commission, J. R. Bartlett. (Contains vouchers for bills paid on account of the commission.)

Admiralty and maritime papers. Two boxes. (Contain miscellaneous papers on maritime affairs of the eighteenth century.)

Burrillville Bank. Two boxes. (Contain papers and books of the Burrillville Bank.)

General treasurer's reports. (Contains treasurer's reports and accounts, 1736–1738, 1758, 1779–1845; bank returns and abstracts, 1824–1828, 1840; report of sheriff, 1834; returns of justices of the peace, 1824, 1839.)

"Miscellaneous." (Contains returns of deputies, 1755–1769; lists of freemen, 1757–1766; certificates of legality to proxies, 1758–1768; citations and summonses, 1741–1742, 1785; accounts of Henry Ward, secretary, 1762–1772; accounts allowed, 1761; petitions, 1822, 1827.)

Appeals and petitions for new trials, bonds, and executions. (Contains petitions, 1765, 1766, 1780, 1795, 1796, 1810; accounts relating to pirates, 1738–1739; toleration appeals to council, 1728; executions, 1733–1840; appeals to governor and council, 1740–1771; recognizances, 1742; equity papers, 1741–1743; appeal bonds, 1723–1797.)

Petitions voted out, withdrawn, and non-concurred in by the general assembly, 1818–1838.

Miscellaneous petitions to the general assembly, 1729–1772.

"Eighteenth century papers in portfolios." (Contains papers on paper money, 1728–1786; rate papers, 1745–1767; general treasurer's accounts, 1741–1791; highway papers, 1724–1792; lotteries, 1743–1787; papers on Westerly, 1749–1764; counterfeiting, 1739–1756; poor debtor papers, 1751–1764; petitions and executions, 1730–1784; probate papers, 1724–1779; ferries, 1727–1768; depositions, 1756–1799; accounts for Fort George, 1732–1766.)

1 box without label. (List of estates and freemen, New Shoreham, 1762; paper money burned, 1729; town property in the State, 1783; sheriff bonds, 1762–1764; rate lists, 1747–1800; acts concerning town rates, 1749–1754; deputies and freemen, 1727–1778; warrants and summons to general assembly, 1750–1781; general assembly fines, 1749–1752; general assembly docket, 1747–1812; appeal bonds, 1761–1775.)

(Trunk) Papers in case of Wm. Allen et al. *v.* Blackstone Canal Co., 1838.

(Trunk) Contains abstract of State debt, 2 vols.; register of certificates of State debt issued, 1797; certificates issued to creditors of State, 1795; 3 volumes of record of certificates for two years' interest on the debt issued 1797; check book on issue of certificates, 1795.

(Trunk) Contains register of certificates of State debt issued 1797; lottery reference book; log of *Brig Leopard*, 1830; record of State tax apportioned on towns, 1779–1788; correspondence of A. Dexter and W. Colwell, 1808; papers relating to the Farmers' Exchange Bank, of Gloucester; miscellaneous papers.

GENERAL TREASURER'S OFFICE.

The general treasurer has been a recognized officer from the very beginning of the colony in 1647. During all of the early period, however, and in fact well into the nineteenth century the only vaults available for his records were those of the secretary of state. When separate quarters for the general treasurer were secured, many of the early treasurer's records were left behind. This is the reason why so many of the early financial records are to be found in the vaults of the secretary of state and are described in the account of the archives of that office.

Letter books of the general treasurer, 4 vols., 1840–1868:

Vol. 1. 1840–1848.
Vol. 2. 1848–1855.
Vol. 3. 1855–1867.
Vol. 4. 1867–1868.

Daybook for the year 1732.

Daybook, 1832–1837.

Daybooks, 1840–1860, 5 vols.

Receipt books, 3 vols. (Contain sums paid for notes given by the general treasurer in 1782–1783. Numbered 3, 4, and 5.)

Alphabetical book No. 7, 1781–1792. (Contains discount of money paid on notes to soldiers, etc.)

Journals, Nos. 6 to 27, 1860 to date, 22 vols.

Colony book of accounts, 1757, No. 5. (Contains accounts of general treasurer, 1757–1760.)

Ledger A. (Contains account with the United States 1776–1782, with accounts of final settlement 1814–1816.)

The series of ledgers from 1812 to date is complete, though not lettered consecutively. They are marked as follows:

1812–1826.
1826–1840.
1840–1856.
1856–1868.

Then follow volumes 1868 to date, lettered C to I, 7 vols. There is also a volume lettered: "Receipts and expenditures of public money, 1837–1840."

Accounts allowed by the general assembly, 1833–1856, 3 vols.
Active militia ledger, 1843–1845.
Returns of active militia, 1843–1849.
Roll and order book, No. 1 (of Company F, First Rhode Island Regiment or Battalion, Second Brigade, R. I. M., 1863.)
Insurrectionary claims. (Containing payments of expenses incurred on account of the insurrection, 1842–43.)
State in account with the Rhode Island Hospital Trust Company, 1868–1872.
Trial balance book, July, 1867–April, 1868.
State tax ledger, 1788–1824.
State and railroad tax, 1849–1854. (Contains also taxes from insurance companies, 1862–1866.)
Bank taxes. (Contains record of taxes assessed on banks, 1862–1866.)
Account of the Touro Jewish Synagogue fund, 1823–1868.
Public deposits book. (Contains accounts of the public deposits received from the United States under act of 1836 and deposited with banks, 1837–1846. Contains also account of permanent school fund, 1855–1868, and of Touro Jewish Synagogue fund, 1855–1872.)
Account of receipts and expenditures of school fund under act of January, 1828, 1826–1856.
Record and register of securities held by and deposited with the general treasurer.
Records of Rhode Island coupon bonds, war debt, 1861.
Accounts of interest on Rhode Island registered bonds, 1867–68.
Record of registered bonds of the State debt, 1867–1891.
Records of the statehouse construction loan, 10 vols.
Records of sums paid out on the court orders, May to October, 1854.
Record of angles to accompany oyster plats. (Angles taken from base lines for locating corner stakes of oyster beds.)
Book of miscellaneous accounts. (Contains hawkers and peddlars' license fees, capital of certain banks, etc.).
Portfolio. Monthly summaries of State auditor, 1881–1884.
The office contains a complete file of vouchers from 1871 to date.
Custom-duties ledger, 1789–90.

The books of the defunct Franklin and Cranston Institutions for Savings and the Merchants' Bank of Newport are in the custody of the general treasurer.

STATE AUDITOR'S OFFICE.

The duties of auditor were early performed by committees selected by the assembly. This "general audit" of the colony accounts was made as often as was deemed necessary. At the close of the Revolutionary period the accounts of the colony

had so increased on account of the dealings with the Continental government that a special auditor was frequently appointed. (See schedules, February, 1779, p. 29; May, 1781, p. 63.) In January, 1835, the general treasurer was ordered to serve as auditor of accounts (Schedules, January, 1835, p. 22). In January, 1856, the office of State auditor was created (Schedules, January, 1856, p. 5), and his report has been printed since 1858.

The papers in the State auditor's vault comprise not only his official papers from 1856 to date, but also a vast quantity of accounts, orders, receipts, etc., of the eighteenth and early nineteenth centuries.

Large chest. (Contains a great mass of miscellaneous documents, chiefly of the eighteenth century. The larger part have been tied up in packages, numbered, and labeled. The papers thus arranged run from 1715 to 1789, and comprise orders on the treasury, warrants, accounts, vouchers, executions, mortgages, bills, loan office certificates, various kinds of bonds, lists of jurors, letters, etc.)

The enumeration of the documents in this chest follows:

Package No. 1: 1776–1786, attendance on the courts, grand and petit jurors.

Package No. 2: Deeds, 1715; canceled bonds, 1750; list of debts, 1764; mortgage deeds for towns, 1787; notes, 1783.

Package No. 3: 1776–1786, general assembly papers for attendance.

Package No. 4: Interest bonds, 1763–1768; sheriff bonds, 1743–1758; accounts, warrants, etc., 1763; subscription list for suffering inhabitants of Boston, 1774 (Newport).

Package No. 5: Bonds, deeds, etc., found among papers of the late Jos. Clarke, 1786; old tenor bonds, 1738; executions against towns of Rhode Island, 1779.

Package No. 6: Attendance on general assembly, grand jurors, etc., 1748–1786.

Package No. 7: Rates certificates, 1750; sundry receipts, 1760; letters of administration, 1762; notes, 1770; miscellaneous bills, 1777; saltpetre certificates, 1777.

Package No. 8: Estates, etc., 1755; letters, 1771–1774; warrants, 1773; execution accounts, 1779–1782; certificates, 1782.

Package No. 9: 1748–1764, attendance on the courts, grand and petit jurors.

Package No. 10: 1750–1772, bonds, 1750–1758, 1760, 1771–72.

Package No. 11: Miscellaneous, bills, etc., 1757–1784.

Package No. 12: 1728–1731–1743, mortgages, sixth bank.

Package No. 13: Newport and North Kingston Colony mortgages.

Package No. 14: 1758–1768–1771, warrants against towns, executions against towns, 1779.

Package No. 15: Interest on State banks, 1785–86.

Package No. 16: Miscellaneous, Revolutionary bills, attendance general assembly, courts, etc.

Package No. 17: Bills, 1755, 1758, 1763, attendance general assembly, grand jury, 1755.

Package No. 18: Letters, 1761–62, Clarke's letters, etc.; bills of exchange; lawful money; money due Ward from colony, 1747; certificates, 1747; list of debts, 1748.

Package No. 19: List of bonds, 1767, 1777; interest notes, 1784; certificates, 1786; executions, 1770, etc.

Package No. 20: Interest on State notes, 1785; interest on loan certificates, 1786.

Package No. 21: Notes, 1757; vouchers, 1758; arrests of men and attached estates, 1765; executions, 1769.

Package No. 22: Executions for June State tax, 1778, 1782, 1785; divers papers of J. Clarke, 1783.

Package No. 23: Vouchers, 1729–1747; old tenor bonds, 1739; bonds taken up by commissioner on mortgages, 1761; list of bond mortgages Kings County, 1764; mortgage bonds, 1736; bonds given by directors market granary lottery, 1760.

Package No. 24: List of mortgages (Smithfield, 1787); executions against towns, 1778–1780; State notes, 1787; loan office certificates, 1779; Continental loan office, 1779; notes, 1784.

Package No. 25: Miscellaneous bills, 1783; money paid out, general assembly, 1779, 1780, 1781, 1782; supply of money for treasury; continental certificates, 1777.

Package No. 26: King street lottery, 1768; Rodman's pay receipts, 1739–1753; treasury supply, 1763; writs, 1754–1757–1769; miscellaneous bills, 1759; repairing colony house, 1750; building bridge, repairing Jamestown wharf, 1749–1751; colony interest, 1752; bonds, 1753–54–1758; eighth bank, 1748–1774.

Package No. 27: Bonds, 1750–1760; banks, 1747–1748; deeds, 1750; colony loan, 1756; several bills paid by treasurer, 1748–1761; will, Edward Casey, 1733; indenture of apprenticeship, 1765.

Package No. 28: Bonds, 1761–1772–1755; notes, 1759–1762; writs and executions of Tanner's land, 1769; writs, 1753–1767; Rodman's account with estates, etc., 1743; inventory of Eliz. Huntington, 1746; orders upon treasury to pay lawful money, 1750; bills paid out of general treasury, 1761–1766; Mr. Clarke's accounts, 1760, 1762.

Package No. 29: County bonds, 1741–1764; treasury bonds, 1767; tenor bonds, 1764; sheriff bonds, 1761–1769; lottery bonds, 1761–1767; bonds, 1733, 1742, 1750, 1759; mortgages, notes, etc.; unsatisfied payments, 1755.

Package No. 30: Bonds, mortgages, notes, etc., 1774–1778; lottery bonds, 1774; sheriff bonds, 1778–1779; warrants, 1775, 1778, 1779; bonds, 1773–1785; obligations, 1773; estate of Thomas Bannister, 1784; settlement of estate of late collector and treasurer, 1774; continental certificates, absentees' notes, 1785; collectors' papers, 1773; warrants, Middletown, 1775.

Package No. 31: Bonds, 1778, 1781, 1782; town bonds, 1783; sheriff bonds, 1786; interest bonds, 1786; Warwick's bonds, 1787; treasury bonds, 1779; Washington County bonds, 1786; loan certificates, 1785; ninth bank, 1776; liquidated certificates, 1785; executions, 1785; executions for class money, 1784; interest on State notes, 1785.

Package No. 32: Letters, Hezekiah Babcock's, 1769–1772; to and from Thomas Aldrich, 1744, 1762–1768; letters respecting Samuel Chace, 1773.

Package No. 33: Bills paid out of general treasury, 1777, 1784, 1785; attendance council and grand jury, 1781; State notes, 1788; collector of taxes, 1783; treasurer's notes, 1773; certificates, etc., 1787; miscellaneous bills, 1775–1777–1784–1786; bills for repairing Pawtucket bridge, 1783.

Package No. 34: Letters, 1771–1776.

Package No. 35: Leases, bonds, miscellaneous bills, etc., 1781, 1787, 1789, 1764, 1767.

Package No. 36: Miscellaneous, 1760–1780.

Package No. 37: List of outstanding judgments, 1744, 1767; list of obligations, 1733–1738; bonds, etc., 1757; supplies, boarding soldiers, etc., 1757.

A list of bonds and deeds delivered out of the grand committee's office to be put in suit for county of Newport, 1761–1770.

A list of mortgages, deeds for the State of Rhode Island and Providence Plantations received from executors of will of Edward Thurston.

Accounts of Thomas Freebody and Nicholas Easton, trustees for the city of Newport, 1786, 1790–1796.

Book B, a list of sums received in discharge of the principal of mortgage deeds, 1796–1803.

Book No. 2, accounts with the collectors of interest bonds in the counties of Providence, Washington, Bristol, and Kent. Likewise an account of money received when mortgages are discharged, 1787.

A list of the mortgage deeds for the colony of Rhode Island received from Benjamin Nichols by a committee of the general assembly.

An account of the persons who received the first quarter part of the principal and interest of their 4 per cent notes and the sums paid thereon, together with those who received the whole of their notes under £10, 1788.

"Jos. Clarke His Book of Accounts." 1754. (Jos. Clarke was general treasurer in Newport.)

Account book, 1748.

List of State interest bonds (being the third year's) due from the inhabitants of the county of Newport, 1789.

A list of deeds and bonds belonging to the colony of Rhode Island, delivered to Daniel Rodman to collect what money may be due thereon in Kings County, 1772.

Several bundles of mortgages: 1742, 1751, 1744, 1753, 1745, 1735, 1728, 1738, 1743, 1733, 1747, 1740, 1750, 1715.

One mortgage, 1716; inventory of Edmond Casey estate, 1733.

There are several chests, which, although numbered, are not arranged in any series. The contents of these are as follows:

Chest No. 10: State papers, 1790–1816; sheriffs' bonds, vouchers; returns of courts; accounts of military officers; Col. William Cole's papers; receipts for interest, etc.

Chest No. 7: State papers, 1824–1831; receipts; executions against the managers of the free bridge lottery, January 26, 1830; vouchers; returns of town clerks; bonds; returns of sales of lottery tickets.

Chest No. 8: State papers for 1840 to 1848, inclusive.

Chest No. 1: State papers, 1858 to 1861; State orders paid; receipts; vouchers and orders for witnesses' fees; returns of courts; returns of justices of the peace; returns of towns; Pawtucket turnpike accounts; sheriffs' bonds; bank returns; papers relating to insurance companies; letters; clerks' returns, etc.

Chest No. 12: State papers from 1862 to 1869, inclusive; receipts; bills; orders; returns of banks; commitments to Providence Reform School; vouchers; writs of attachment.

Chest No. 13: State papers from 1870 to 1878, inclusive.

In tin boxes: General vouchers, 1885, 1886; general and State vouchers, 1888; general vouchers, 1887; State institution vouchers, 1887; receipts and vouchers of State auditor's office, 1871–1872; vouchers for State institution, 1884; general and State institution vouchers for 1882; State institution vouchers, 1885; general and State institution vouchers for 1881; general vouchers, 1888; general and State institution vouchers, 1879–1880; general and State institution vouchers for 1883; 7 tin boxes of vouchers undated.

General and State institution vouchers:

One chest, 1889.
One chest, 1890.
One chest, 1891.
One chest, 1892.
One chest, 1893.
One chest, 1895.
One chest, 1896.
One chest, 1897.
One chest State auditor's vouchers, 1898.
One chest State auditor's vouchers, 1899.
General and State institution vouchers, 1900, on shelves.

Chest No. 30: Books of Commercial Bank of Providence, and of the Cranston Bank.

Chest No. 31: Miscellaneous books and papers of Rhode Island Hospital Trust Company.

Red cedar chest: Books of Union Bank.

Record of the meetings of the Rhode Island commission to the Pan-American Exposition, October 31, 1900–November 14, 1901.

Typewritten draft of report of commission, January, 1901.

OFFICE OF THE BOARD OF EDUCATION.

The first permanent legislation for public schools was in 1828. In 1838 the school committees were required to make returns to the secretary of state. In 1845 the office of commissioner of public schools was created, and in 1870 the board of education was organized and given general supervision of the school system of the State. The archives of the office consist chiefly of the records of the meetings of the board from its organization. The office possesses a practically complete set of the school reports of the various towns, either in manuscript or in printed form, from 1874 to date. The reports previous to 1874 have not been preserved.

OFFICE OF THE ADJUTANT-GENERAL.

Before the reorganization of the militia in 1840 all records were kept by the independent companies. Certain returns were made to the secretary of state. The office contains the rosters and order books from 1840 to date.

OFFICE OF THE BOARD OF CHARITIES AND CORRECTIONS.

This board created in 1869 has charge of the penal, correctional and charitable institutions maintained by the State, with certain few exceptions. The files of the office date from 1869 and consist of the records of meetings of the board and of commitments to State institutions.

OFFICE OF THE RAILROAD COMMISSIONER.

The files of the railroad commissioner's office date from the year 1888 and consist of the annual returns of corporations filed according to law.

OFFICE OF THE BOARD OF AGRICULTURE.

The board was created in 1885. It has on file vouchers from 1885 to date, and the records of the meetings of the board since its creation. Its correspondence is filed from 1885 to date.

OFFICE OF THE STATE BOARD OF HEALTH.

Returns of medical examiners, 1894 to date. (Original returns bound.)

Returns of births, marriages, and deaths are filed in 45 volumes in the office of the secretary of state. (See Secretary of state—vital records.)

The following summary of laws regarding the recording of births, marriages, and deaths, may be of service in this connection:

1647, May. Marriages not to be lawful unless recorded in town clerk's book. (R. I. Col. Rec., i: 187.)

1665, May 3. Law of 1647 ordered to be more duly observed. (R. I. Col. Rec., ii: 104.)

1699, February 14. Reaffirms previous laws as to town clerk's recording births, marriages, and deaths. All persons to hand to town clerk record of marriages, births of children, and burial of dead within ten days. Town clerk to return to head magistrate or justice of peace annually all births, marriages, and deaths, when required. (R. I. Col. Rec., iii: 362.)

1701, October. "An act for preventing of clandestine marriages, and also for the registering of marriages, births, and burials." All marriages to be recorded and names and dates returned by assistant justice or warden to town clerk. All persons desiring to be married to make application to assistant or justice of peace. Births and burials of children to be registered in town clerk's office by parents within two months under pegalty of 12d. fine per month for every month's neglect thereafter. (Digest of 1730, pp. 44–46.)

1727, October. "An act in addition to an act for recording marriages, births, and deaths." Act of 1701 has proved ineffectual because the town treasurer who is not the recorder is empowered to sue for pains and penalties. Town clerk is given power to sue for penalty for neglecting to register marriages, births, and deaths. (R. I. Col. Rec., iv: 395, 396.)

1733, December. "An act for enabling the settled and ordained ministers and elders of every denomination of Christians in this colony to join persons together in marriage," provides that every minister or elder return names of those married to town clerk to be registered. (Digest of 1744, pp. 176–177.)

1839, January. All persons having authority to perform a marriage to lodge in town clerk's office a record of the same. (Schedules, January, 1839, p. 68.)

1844. All persons in authority to perform marriages to lodge certificate of marriage, every parent to lodge certificate of birth, executor to lodge certificate of decease with town clerk, who shall record the same. (Digest of 1844, p. 269.)

1850, January. Act requiring trustees of school districts to make record of births, deaths, and marriages. Commissioner of public schools to make and publish annually abstract of same. Blank forms to be furnished to school districts, clergymen, physicians, etc. Clergymen and others to make returns of marriages. Parents required to make returns of every birth. Physicians and surgeons required to make returns of every death. Undertakers required to make returns of interments. Where no district

school organization exists returns to be made to city or town clerks. Town clerk to keep separate lists of residents and nonresidents. (Schedules, January, 1850, p. 18.)

1852, January. Gives to town clerks and clerk of city of Providence duties given by law of January, 1850, to school trustees, and to secretary of state, together with committee of Rhode Island Medical Society, the duty of making and publishing annually abstract of vital records. (Schedules, January, 1852, p. 4.)

1878, April 28. Law passed establishing State board of health. It had duty of receiving returns of births, deaths, marriages, and divorces; of preparing annual report and of placing returns in office of the secretary of state. (Acts and resolves, January, 1878, p. 107.)

1881, January. Law passed requiring certificate of marriage from town clerk or city registrar previous to marriage. (Acts and resolves, January, 1881, ch. 851.)

1896, February. Requires certificate of prescribed form to be lodged with town or city clerk. The clerk to record in separate books the information contained in certificate. In Providence registrar of births, marriages, and deaths to perform duties of clerk regarding marriages as specified in the law. Everyone performing marriage ceremony to make return on specified form, deliver it to clerk or registrar, who must copy it and send original to secretary of state, to be by him kept on file. (Digest of 1896, ch. 191, sec. 10.)

COURT RECORDS.

The charter of 1644, which went into effect in 1647, created a general court of trials, which was also a court of assize or gaol delivery and a court of common pleas, and which was held twice yearly. In 1664, after the arrival of the charter, a new act upon the judiciary was drawn up. It was enacted that the general court should be held in Newport twice every year; that sessions should also be held at Providence and at Warwick once every year for trial in actions under £10, and that special courts could be summoned at the discretion of the governor. In 1729 the colony was divided into three counties, Newport County, Providence County, and Kings County (now Washington County). A court of general sessions of the peace and a court of common pleas were established in each county, sessions being held together semi-annually. The general court was now termed the superior court of judicature, court of assize, and general gaol delivery, and was held at Newport. In 1747 Bristol County was created and in 1750 Kent County, bringing the total number of counties to five. In 1747 it was enacted that the superior court should be held twice a year in every county in the colony. In 1798 the lengthy title possessed by the superior court was changed to the supreme judicial court and in 1843 was still further shortened to the supreme court. In 1893 a new judiciary act was passed. The old court of common pleas was abolished, at least in name. Henceforth there was but one court, a supreme court, composed of two divisions—the appellate division, sitting only in Providence, Newport, and Washington counties, and the common pleas division, sitting in each of the five counties.

The records of the general court of trials from 1647 to 1669 are in the manuscript volume in the secretary of state's office, labeled "R. I. Colony Records, 1646–1669." Henceforth until the creation of the county system in 1729 the records

were kept at Newport, where they are still preserved. The records are here listed by counties:

NEWPORT COUNTY.

Supreme court, appellate division:

Records of the supreme court, 1671–date, 19 vols. (called general court of trials, 1671–1715; general court of trials and gaol delivery, 1715–1730; superior court of judicature, court of assize, and general gaol delivery, 1730–1799; supreme judicial court, 1799–1844; supreme court, 1844–1893, and supreme court, appellate division, 1893–date). The records from 1750 to 1754 are missing, there being about 200 blank pages left at the end of the volume that runs from 1747 to 1750. In the volume 1772–1795 are also included some records of the court sitting on the trial of naval matters, 1775–1794.

Index to records, 1671–1893, 4 vols.; 1893–date, 1 vol. (arranged by names of plaintiff and defendant).

Docket, 1784–1813, 37 nos.; 1813–1841, 56 nos.; 1841–1893, 14 vols.; 1893–date, 2 vols. (Since 1813 there is one docket for court and one for clerk.)

Minutes, 1733–1893, 22 vols.; 1893–date, 1 vol.

Cost books, 1865–1893, 2 vols.

Records of divorce, 1879–date, 3 vols.

Record of nuisances, 1886–1890, 1 vol.

Record of insolvency proceedings, 1896–1898, 1 vol.

Petitions, declarations, etc., in connection with cases are filed, 1713–date.

Plats are filed, rolled, and in boxes. There is also one volume of plats for supreme court, with index. There is an early plan of Boston Neck, one of Conanicut Island, 1659, and one of the Pettaquamscut Purchase, although the last two plats could not be found in the office at the time of compiling this report.

Common pleas division:

Records of the court of common pleas, 1730–date, 29 vols. (called inferior court of common pleas 1730–1789, court of common pleas 1789–1833, court of common pleas and general sessions of the peace 1833–1838, court of common pleas 1838–1893, common pleas division of supreme court 1893–date).

Index to records, 1730–date, 5 vols. (arranged by plaintiff and defendant).

Docket, 1730–1799, 8 nos. scattered; 1800–1823, 2 nos. to each year; 1824–1893, 16 vols.; 1893–date, 6 vols. (Since 1800 there is one docket for court and one for clerk.)

Minute books, 1730–date, 26 vols.

Record of costs, 1851–date, 6 vols.

Sheriffs' bonds, 1745–date, 6 vols.

Appeal bonds, 1818–1893, 1 vol.

Declarations for naturalization, 1863–date, 7 vols.

Petitions, declarations, executions, etc., in connection with cases are filed, 1730–date.

The records are all in the court-house, or old State-house, at Newport. They are in excellent condition and are well indexed.

PROVIDENCE COUNTY.

Supreme court, appellate division.

Record books, 1747–date, vols. 1–34. (Court is known by its various names of superior court of judicature, supreme judicial court, and supreme court.)

Index to records, 8 vols.

Equity records, 1850 to date, vols. 1–22. (Bills and petitions in equity, with an index, in 6 vols.)

Dockets, 1818–date.

Minute books, 1815–date.

Petitions, declarations, plats, etc., in connection with cases are filed in tin boxes from 1733 to date. The papers for some of the earlier years are filed in labeled packages.

There are a few miscellaneous volumes, plats, models, etc., introduced as evidence and not taken away by counsel.

Common pleas division.

Records of the court of common pleas, 1730–date, vols. 1–65.

Index to records, 22 vols. (11 for plaintiffs and 11 for defendants).

Records of inferior court of common pleas, 1785–1803, vols. A–J, 10 vols. (These seem to be duplicate records of cases from 1785 to 1803 and are not indexed.)

Docket books, incomplete set, especially in the earlier numbers.

Minute books, 1767–date.

Records of special courts, 1819–1890, vols. 1–9. (Special courts for trespass and ejectment actions.)

Cases brought from the court of common pleas to supreme court, common pleas division, 1893, 1 vol.

State cases, 1893–date, 2 vols. (Cases brought by State for default of surety.)

Record of deputations of deputy sheriffs, 1800–1812, 1834–1853, 1854, 1876, 1890, 5 vols. (set incomplete).

Declarations for naturalization, 1852–date, 9 vols., and 3 vols. of indexes.

Depositions in perpetual memory, 1890–date, 1 vol.

Petitions, declarations, recognizances, indictments, etc., relating to cases are filed in packages and in boxes, 1730–date.

Plats, chiefly railroad layouts, are rolled.

There is one small box of early nineteenth century turnpike reports and one box of papers and reports on the Blackstone Canal.

The records are in the county court-house at Providence and are fairly well bound and indexed. The earlier papers, such as are not in bound form, are not very well arranged.

WASHINGTON COUNTY.

Supreme court, appellate division:

Records, 1747–date, 14 vols. (Called by its various names of superior court of judicature, court of assize and gaol delivery, supreme judicial court, and supreme court.)

Index to records, 1751–date, 6 vols. (3 each for plaintiffs and defendants.)

Dockets run from at least as early as 1785 to date. During the earlier years a small pamphlet contains the docket for three or four years, then there is generally one pamphlet to a year or to a term, and from 1848 to date the dockets are entered in bound volumes.

Minute books, 1747–date, 8 vols.

Cost books, 1885–date, 1 vol. There are several earlier cost books in pamphlet form.

Witnesses' and officers' receipts, 1884–date, 1 vol.

Motion book, 1886–1893, 1 vol.

Record book for insolvent petitions, 1833–1863, 1 vol.

All papers having connection with cases are filed in boxes by terms, 1747–date.

Common pleas division:

Records, 1731–date, 27 vols. (The records from 1730 to 1731 are in two separate pamphlets, not bound like the regular set.)

Index to records, 1731–date, 6 vols. (3 each for plaintiffs and defendants.)

Dockets run from at least as early as 1750 to date, the earlier ones being in paper volumes and the later ones being bound, one volume for court and one for clerk.

Minute books, 1730–date, 12 vols.

Special court of common pleas, records, 1812–1889, 1 vol.; minutes, 1782–1820, 1 vol.

General sessions of the peace, records, 1730–1793, 1 vol.; minute book, 1794–1836, 1 vol.

Cost books, 1835–53, 3 vols. (There are many earlier cost books in pamphlet form).

Witnesses' and officers' receipts, 1884–1899, 1 vol.

Motion book, 1857–1868, 1 vol.

Sheriffs' deputations, 1775–1788 (in dilapidated state in box); 1788–1859, 1 vol.

Records of intentions of aliens to become citizens of the United States, 1859–1883, 1 vol.

Declarations for naturalization, 1881–date, 3 vols.

Depositions in perpetuam rei memoriam, 1860–1886, 1 vol.

All papers relating to cases are filed in boxes by terms, 1730–date.

The records are kept in the Washington County courthouse at Kingston station. The volumes are in good condition and the miscellaneous papers are well filled, but the early dockets and cost books need arranging.

KENT COUNTY.

Supreme court:

Records, 1751–1893, 10 vol. (called by its various titles of superior court of judicature, court of assize and general gaol delivery, 1751–1798, supreme judicial court, 1798–1843, and supreme court, 1843–1893).

Index to records, 2 vols.

Supreme court—Continued.
Dockets, 1829–1893. There are many dockets before 1829 in the attic of the court-house.
Minute books, 1830–1893.
Cost books, 1833–1875, 2 vols.
Record book of insolvent petitions, 1833–1869, 1 vol.
Index to appeals, bills in equity, etc., after 1850.
Original papers relating to cases filed in tin boxes.
Common pleas division:
Records, 1750–date, 14 vols.
Index to records, 2 vols.
Dockets, 1824–date.
Minute books, 1829–date.
Cost books, 1827–1871, 2 vols.
Record of sheriffs' deputations, 1827–date, 2 vols.
Record of naturalization, 1848–1875.
Record book of Washington Manufacturing Company, 1810–1825 (evidently a volume introduced as evidence).
Original papers relating to cases are filed in tin boxes.
Plats relating to cases which are too large to be included in the filing system are rolled.

The records are in the Kent County court-house at East Greenwich and are in good condition.

BRISTOL COUNTY.

Supreme court records:
Records 1747–1893, 5 vols. (Called by its various titles of superior court of judicature, court of assize and general gaol delivery, 1747–1777; supreme judical court, 1802–1843; and supreme court, 1843–1893. The records from 1777 to 1802 seem to be missing.)
Index to records, 1802–1893, 4 vols.
Docket books are very incomplete.
Minute book, 1810–1893, but incomplete.
Cost books, 1860–1893, but incomplete.
Original papers relating to cases are on file, being in tin boxes after 1802.
Common pleas division:
Records of the court of common pleas, 1747–date, 9 vols. (Called by its various titles of inferior court of common pleas, court of common pleas, etc.)
Index to records, 1844–date, 4 vols.
Records of court of general sessions of the peace, 1747–1834, 1 vol.
Docket books, minute books, and cost books are very incomplete.
Original papers relating to cases are on file, being in tin boxes after 1839.
There are a few rolled plats, chiefly railroad plans.

The records are in the Bristol County court-house at Bristol. They are unfortunately in poor shape, being neither well indexed nor well arranged.

TOWN RECORDS.

[NOTE.—In the following report upon the town records, the aim has been to list all of the volumes in the various offices. These have been grouped under the following heads: Town meeting records, town council records, probate records, deeds and land evidence, vital records, assessors' records, school records, miscellaneous records. For convenience, proprietors' records and also plats have been listed under the head of deeds. In the case of tax books and school reports reference is also made to printed material.]

BARRINGTON.

Barrington, whose territory early belonged to Swansey, was incorporated by Massachusetts in 1718. In 1747, when the boundary question was settled, it came under Rhode Island jurisdiction and was merged in the town of Warren. Warren was divided June 16, 1770, and Barrington was again incorporated as a town.

Population: 601 (1774); 534 (1782); 650 (1800); 795 (1850); 1,135 (1900).

Town meeting for both election and appropriations held on the Tuesday after the first Monday in November. Town council and probate court meet on the first Monday of each month.

Town hall is at Barrington Centre.

RECORDS.

[NOTE.—Land evidence and probate records from 1718 to 1747 are at Taunton, the shire town of Bristol County, Mass. From 1747 to 1770 all records of Barrington territory are at Warren, of which it was a part.]

Town meeting records from 1718 to 1744 are in a dilapidated unbound volume, which has, however, been transcribed. From 1747 to 1770 Barrington was a part of Warren. From 1770 to date the records are in four volumes. There are also four thin volumes of town-meeting records, evidently minute books, 1770–1776, 1808–1814, 1823–1839, 1839–1864.

Town council records run from 1770 to date, vols. 1–6, the last volume being typewritten. There are also four thin volumes of town-council records, apparently blotters, 1827–1869.

Probate records to 1798 are in town-council records. From 1798 to 1898 they are in a series numbered volumes 1 to 7. From 1898 to date, wills, inventories, probate journals, probate warrants, letters of administration, and administrative accounts are recorded in separate volumes. Each volume is lettered No. 2, 1898 to date, the intention being to transcribe a volume 1 of each subdivision from prior probate records. There is also a bond book, 1873 to date, 1 vol.; probate fee book, 1898 to date, 1 vol.; probate docket, 1895 to date, 1 vol., and probate docket, 1898 to date, 1 vol., the last being a blotter for the use of the probate court. There is

a volume of letters of administration, guardianship, testamentary, titled No. 3, 1867–1898.

Deeds. There is an ancient volume containing deeds, lay outs of land, etc., and titled a "Memoriall or Booke of Records of y^e^ Severall Divisions & bounds of y^e^ Lands at Sawomes," 1653–1797. These are the records of the "proprietors" of Sowams, or the lands included within the present towns of Barrington, Warren, and Bristol, although the meetings were held very irregularly, often at intervals of several years. There is also a transcribed copy of this volume. The regular series of deeds number 18 volumes, 1770 to date, with one volume of a general index. There is a receiving book for conveyances. Mortgages of real estate are in 5 volumes, 1883 to date, and mortgage deeds of personal property are in 1 volume, 1861 to date. A volume of records of deeds of cemetery lots, 1892 to date, might be included under this head. The plats of estates are laid away flat and those of highways and lay outs are filed away rolled. There is a set of four plats mounted on cards, covering all the property in the town, made in 1866 or 1867.

Vital records. There are two small volumes of births, marriages, and deaths, one running from 1717 to 1803 and the other from 1772 to 1854. There are also a few vital records in the first volume of town-meeting records, 1718–1744. From 1850 to date the births, marriages, and deaths are each in a separate volume. There are also intentions of marriage, 1881–1895, 1 vol., and intentions and returns of marriage, 1896 to date, 2 vols. The records as far as 1850 are printed in volume 6 of Arnold's Vital Record of Rhode Island.

Assessors' records. In a case of miscellaneous documents are all the tax assessments from 1770 to 1864. There are 40 volumes of valuation of real and personal estate, 1864 to date. Of the tax collectors' books, 1885 to date, six are small volumes and the remainder are in folio. There is a collector's ledger, 1898 to date. The tax books have been annually printed from 1865 to date.

School records. The school reports have been printed from 1869 to date; from 1873 to 1900, however, being included in the printed abstract of the proceedings of town meetings.

Miscellaneous records:

Treasurers' receipt book, 1737–1746, 1 vol. (discolored with age).
Dog licenses, 1866 to date, 3 vols.
Proceedings of the centennial committee, 1870–71, 1 vol.
Attachment book, 1870 to date, 1 vol.
Registry book, 1877 to date, 2 vols.
Mechanics' liens, 1879 to date, 1 vol.
Assignment of wages, 1884 to date, 1 vol.
Medical register, 1896 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Notices of pending suits, 1894 to date, 1 vol.
Jurors' book, 1896 to date, 1 vol.
Militia enrollment, 1898, in sheets.

There is a case filled with miscellaneous documents, such as warrants, receipts, petitions, etc., chiefly of the eighteenth century.

The records are kept in a fireproof vault in the town hall, and with the exception of the earliest volumes are in good condition.

BRISTOL.

Bristol was incorporated as a town by the Plymouth colony in 1681. On January 27, 1747, it was incorporated as a town by the Rhode Island colony, under whose jurisdiction it had come through the settlement of the boundary question. A portion of the town was annexed to Warren, May 30, 1873.

Population: 1,069 (1748), 1,209 (1774), 1,032 (1782), 1,678 (1800), 4,616 (1850), 6,901 (1900).

Town meeting for elections held on the second Wednesday in March; for appropriations, on the first Monday after the second Wednesday in March. Town council meets on the first Monday of each month, and probate court on the first and third Monday of each month.

Town hall, known as the Burnside Memorial, is in Bristol.

RECORDS.

[NOTE.—Land evidence and probate records from 1681 to 1747 are to be found at Taunton, the shire town of Bristol County, Mass.]

Town meeting records are in eight volumes, 1681 to date. The earliest volume, called the "First Book of Records," 1681–1718, and the second volume, 1718–1780, have been transcribed.

Town council records before 1746 are in Taunton. From 1746 to 1759 they are in book of wills, inventories, etc., No. 1, which is succeeded by minutes of town council and probate journal, 1760–1811, vol. 2; town council and probate records, 1811–1825, vol. 3, and town council and probate records, 1825–1838, vol. 4. This is followed by town council records, vols. 4–10, 1838 to date.

Probate records before 1746 are to be found at Taunton. At Bristol are wills, inventories, etc., 1746 to date, in nine volumes. The first two volumes, from 1746 to 1793, have been transcribed. The probate record from 1760 to 1838 is kept together with the records of the town council (see above), and is followed by probate records, vols. 5–14, 1838 to date. Inventories are kept separately from 1811 to date, vols. 2–7. Letters of administration are kept separately from 1815 to date, vols. 2–8. Administrators' accounts are kept separately, 1811 to date, vols. 2–11. Commissioners' reports are kept separately, 1827 to date, vol. 2. There are also probate bonds, vols. 1–11, 1816 to date; record of probate warrants, vol. 1, 1896 to date; and probate docket. The probate records are all well indexed.

Deeds: Land evidence before 1747 is to be found in Taunton, and there are a few early references in the records of the proprietors of Sowams in the Barrington office. In Bristol the deeds run from 1747 to date, in 64

volumes, and are provided with separate volumes of indexes. From 1847 to date the deeds of personal estate have been kept separately in four volumes, although the first is lettered volume 24, having been transferred from the regular series of deeds. There are also an abstract of the colonial records of Taunton, 1680–1747, deeds of burial places, 1865 to date, 2 vols., and a receiving book for conveyances. Plats are in folio volumes, and there is an index both to these and to the various plats in deed books. There is a series of 35 plats covering all the property in the town. A number of seventeenth century deeds, on sheepskin, with the signatures of the proprietors, have been carefully mounted and preserved in a folio volume.

Vital records: The first volume contains chiefly births from 1683 to 1705, the second runs from 1705 to 1746 with a few additional entries, the third is lettered Book No. 2, 1746–1819, and the fourth, containing chiefly deaths and marriages, runs from 1821 to 1851. There is also a small unbound book, deaths and births, 1784–1797. From 1850 to date, births, marriages, and deaths are each in a separate volume. There are also intentions and returns of marriage, 1895 to date, 3 vols. The town is extremely fortunate in possessing the following records kept by private hands: Deaths in Bristol, 1740–1755, apparently a minister's record; list of marriages performed by John Burt, 1741–1775; births, marriages and deaths, 1783–1844, kept by Rev. Henry Wight; and deaths in Bristol, 1785–1833, kept by Rev. Henry Wight. The last has been copied and called Book No. 3. There are also copies of inscriptions on gravestones in Bristol, 1684–1869, and two scrapbooks of printed vital records, 1680–1850, as they were published in the Bristol Phoenix. The town clerk has compiled from all accessible sources a transcript of births, marriages, and deaths, 1680–1815, an excellent index to deaths, 1680–1891, and is indexing all births by the card system. The vital records of the town as far as 1850, not including, however, all the private records, are printed in vol. 6 of Arnold's Vital Record of Rhode Island.

Assessors' records from 1830 to date are contained in 73 volumes. The tax books have been annually printed from 1856 to date, with the exception of several issues between 1858 and 1872.

School records in the town clerk's office are accounts of school land rentals, 1830–1870, 1 vol. The school reports have been annually printed from 1852 to date, with a few possible exceptions.

Miscellaneous records:

Mechanics liens, 1848 to date, 1 vol.
Certificates of manufacturing companies, 1848 to date, 1 vol.
Certificates north burying lot, 1853 to 1873, 1 vol.
Dog licenses, 1866 to date, 6 vols.
Registry book, 1877 to date, 4 vols.
Assignments of wages, 1884 to date, 3 vols.
Liquor licenses, 1885 to date, 1 vol.
Enrollment of males above 20 years of age, 1889, 1 vol.
Naturalization book, 1 vol.
Jurors' book, 1893 to date, 1 vol.
Town officers, 1894 to date, 1 vol.

Miscellaneous records—Continued.
Census of 1895, town of Bristol, 1 vol (copy of original).
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Record of commissioners of sinking fund, 1901 to date, 1 vol.
Attachments are filed and indexed.

The Bristol office is one of the model offices of the State, a condition brought about chiefly by the energy of Mr. Bennett, the town clerk, aided perhaps by the fact of his long term of service. The records are exceptionally well bound and indexed, transcripts have been made of most of the early volumes, records in private possession have been obtained and preserved, and a set of the town's newspaper, from 1833 to date, has been secured for reference.

BURRILLVILLE.

Burrillville was taken from Glocester and incorporated October 29, 1806.

Population 1,834 (1810), 3,538 (1850), 6,317 (1900).

Town meeting for election of officers held on the first Monday in June, and for appropriations on the first Monday in May. Town council and probate court meet on the last Saturday of each month.

Town house is at Harrisville.

RECORDS.

Town meeting records are in 2 vols., 1806 to date.

Town council records are in 3 vols., 1806 to date.

Probate records are probate journal, 1806 to date, 5 vols.; probate docket, 1 vol.; record of wills, etc., 1806 to date, 6 vols.; record of bonds, 1873 to date, 3 vols.; letters of administration, guardianship, testamentary, 1862 to date, 1 vol.; and warrants to take inventories, 1896 to date, 1 vol.

Deeds: The deed books, 1806 to date, are in 31 vols. and include mortgage deeds. Personal property mortgages, 1834 to date, are in 4 vols. There is a receiving book for conveyances. Plats are placed in a large folio book and are also filed away rolled.

Vital records from 1806 to 1853 are in a separate volume, which contains a few later entries. From 1853 to date there are 2 vols. each of births, marriages, and deaths. Intentions and returns of marriage, 1896 to to date, are in 3 vols. The records as far as 1850 are printed in vol. 3 of Arnold's Vital Record of Rhode Island.

Assessor's records from 1806 to date are in the office, from 1858 to date being in bound volumes. The tax books have been printed from 1858 to date.

School records in the town clerk's office are boundaries of school districts, 1846–1856, 1 vol., and 1875, 1 vol. The school reports have been printed from 1857 to date.

Miscellaneous records:

Record of estrays, 1807–1870, 1 vol.
Mechanic's liens, 1850–1892, 1 vol.
Dog register, 1864 to date, 4 vols.
Registry book, 1877 to date, 3 vols.
Assignment of wages, 1884 to date, 3 vols.
Record of elections, 1892 to date, 3 vols. (1 to each district).
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Lists of jurors, 1898 to date, 1 vol.
Militia enrollment of 1898, in sheets.
Attachment book, 1900 to date, 1 vol.

The records are kept in three safes in the town clerk's office at Harrisville. They are in good condition and the important records, such as deeds and wills, have been indexed.

CENTRAL FALLS.

Central Falls was taken from Lincoln and incorporated as a city February 21, 1895. Lincoln had been separated from Smithfield in 1871. Central Falls to-day contains the largest population of any of the towns within the original Smithfield and accordingly possesses the records of the parent towns.

Population: 15,828 (1895), 18,167 (1900).

Municipal election held on the Tuesday next after the first Monday in November. City council meets on the first Monday of each month. Probate court meets on the second and fourth Wednesdays of each month.

City hall is on Summit street in Central Falls.

RECORDS.

[NOTE.—The office possesses the records of Smithfield, 1731–1871, of Lincoln, 1871–1895, and of Central Falls, 1895 to date.]

Town meeting records of Smithfield, 1731–1770, are in a bundle with other early Smithfield records in basement vault, and greatly need repairing and binding. From 1771 to 1871 there are 2 volumes. There is 1 volume of Lincoln records, 1871–1894.

Town council records of Smithfield: There are 4 loose bundles of town council records in basement vault, 1731–1748, 1749–1756, 1756–1765, 1765–1771. In the regular vault there are the following: Council book, No. 1, 1734–1749; council and probate records, No. 2, 1749–1768 (the foregoing volumes contain probate matter); council and probate journal, No. 1, 1771–1797; No. 3, 1797–1822; No. 5, 1822–1835; No. 6, 1835–1845; council journal, 1845–1861; council journal, No. 7, 1861–1870; council

journal, 1870–1871 (wrongly lettered "town meeting record"); Lincoln town council journal, 1871–1895, vols. 1–5 (vol. 5 contains also Central Falls council records 1895–1898).

City council records of Central Falls from 1895 to 1898 are in vol. 5 of Lincoln council journal. This is followed by the journal of the board of aldermen, 1898 to date, vol. 2–3.

Probate records of Smithfield from 1731 to 1768 are in council records, and are followed by inventory and probate court record, No. 3, 1769–1797; probate record, No. 3, 1797–1819; probate records, No. 4–13, 1819–1871. Vol. 14–21, 1871–1895, are of Lincoln, and vol. 22–25, 1895 to date, are of Central Falls. Other probate records are petty ledger of probate court, Lincoln, 1891–1895, 2 vols.; Central Falls, 1896 to date, 2 vols.; probate docket; and separate volume of probate index. There is a volume of bond records (guardianship), Lincoln, 1873–1887, in basement vault.

Deeds: Smithfield, 1731–1871, vols. 1–48; Lincoln, 1871–1895, vols. 49–73; Central Falls, 1895 to date, vols. 74–84; all provided with separate volumes of good modern indexes. The following volumes are numbered outside of the continuous series of deeds: Mortgage deeds of personal estate, Lincoln, 1874–1895, and Central Falls, 1895 to date, vols. 1–7; Lincoln record of mortgages, 1889–1895, vols. 1–7; bank mortgages, 1889–1894, vols. 1–2; transfers of mortgages, 1891–1895, 1 vol.; quitclaim deeds, 1889–1895, 1 vol.; record of deeds, Moshassuck cemetery, 1873 to date, 1 vol. There are two volumes of Smithfield personal property mortgage deeds, 1834–1874, in the basement vault. There are two volumes of entry books, 1874–1895, and receiving book for current use. Plats are on large cards, No. 1–100, and A1–A144. These, together with plats in deed books, are well indexed. In the basement vault are plats, fire district, Central Falls, 1 vol.; plats, Lincoln, No. 2, 1 vol.; and one large bundle, marked "Old Brown Paper Assessors Plats, Books of Deed Descriptions, and Tracings of Plats."

Vital records: Smithfield births, marriages and deaths, 1731–1753, are in an unbound volume in basement vault, and from 1739 to 1753 are in council book No. 1. Births, marriages, and deaths, 1725–1820, vol. 1; 1819–1850, vol. 2. Births, 1850 to date, vols. 3–5; marriages, 1850 to date, vols. 3–4; deaths, 1850 to date, vols. 3–4 (Smithfield, 1850–1871; Lincoln, 1871–1895; Central Falls, 1895 to date), all well indexed. Lincoln intentions of marriage, 1881–1894, 2 vols., and Central Falls intentions and returns of marriage, 1895 to date, 2 vols. The records of Smithfield as far as 1850 are printed in vol. 3 of Arnold's Vital Record of Rhode Island.

Assessors' records: The town tax books of Smithfield from 1770 to 1871, and of Lincoln from 1871 to 1874, are in the basement vault in volumes of various shapes and sizes, some bound and some in paper. Valuation books of Lincoln, 1875–1894 (vols. 1–9), and of Central Falls, 1895 to date (9 vols.), are also in the basement vault, with the exception of those in current use. Tax books have been annually printed of Smithfield, 1850–1870; Lincoln, 1871–1895, and Central Falls, 1895 to date.

School reports have been annually printed of Smithfield, 1847–1871; Lincoln, 1872–1895, and Central Falls, 1895 to date.

Miscellaneous records (Smithfield, 1731–1871; Lincoln, 1871–1895; Central Falls, 1895 to date):

Rules and orders for government of smallpox hospital, 1776, 1 vol., unbound.
Lien book, 1847 to date.
Returns of highways, 1847–1886, 1 vol.
Record of council on highways, 1878–1891, 1 vol.
Highway account book, 1889–1890, 1 vol.
Curbing account book, 1889–1893, 1 vol.
Partnerships and returns of manufacturing corporations, 1859 to date, 1 vol.
Dog licenses, 1859, 1889 to date, 5 vols.
Record of fence divisions, 1863–1894, 1 vol.
Records of board of firewards, 1868–1895, 2 vols.
Town ordinances, 1 vol.
Records of voting district, no. 1, 1871–1887, 1 vol.
Record of election district, nos. 1, 2, 1887–1891; nos. 5, 6, 7, 1892–1895, 5 vols.
Record of elections, wards 1–5, 1895 to date, 5 vols.
Registry book, 1871 to date, 12 vols.
Record of attachments and executions, 1875 to date, 1 vol.
Assignment of wages, 1884 to date, 5 vols.
Naturalization records, 1888 to date, 1 vol.
Records of notices pending suit, 1893–1895, 1 vol.
Jury book, 1893 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Licenses of entertainments, 1893 to date, 2 vols. stubs.
Peddlers' licenses, 1901 to date, 1 vol. stubs.
Several boxes containing warrants, accounts, petitions, highway layouts, etc., of the eighteenth and nineteenth centuries.

The records are kept in two large vaults, one in the town clerk's office and the other in the basement. They are in excellent condition, with the exception of some very early volumes of town meeting, town council, and vital records which are unbound and very much in need of repair. The arranging and filing of the early miscellaneous papers in the basement would be a work of much value.

CHARLESTOWN.

Charlestown was taken from Westerly and incorporated as a town August 22, 1738. Richmond was separated from it in 1747.

Population: 1,002 (1748), 1,821 (1774), 1,523 (1782), 1,454 (1800), 994 (1850), 975 (1900).

Town meeting for election of officers held on the first Tuesday in June, and for appropriations on the Thursday after the first Monday in April. Town council and probate court meet on the first Monday of each month.

Town clerk's office is at Cross's Mills, in the house of the clerk.

RECORDS.

Town Meeting Records from 1738 to 1800 are vol. 1–5 of Town Council Records. From 1800 to date they are kept separately in vol. 1–4.

Town Council Records run from 1738 to 1800, vol. 1–5, and include also Town Meeting and Probate Records and a few records of births, marriages and of earmarks. From 1800 to date the Council Records are kept separately in vol. 6–10, there being two volumes lettered no. 7.

Probate Records from 1738 to 1798 are in vol. 1–5 of Town Council Records, and from 1798 to date in a series by themselves numbered vol. 1–8. These records are indexed only in each volume. There is a volume of Probate Bonds, 1870–date.

Deeds run from 1738 to date, vol. 1–15, and are indexed only in each volume. There is 1 volume of Records of Personal Property, 1840–date. Plats are generally entered in the volume of Deeds, although there are a few plats rolled. There is a large framed map of the Indian Reservation, made in 1881.

Vital Records run from 1739 to 1853 in 1 volume, which also contains records of earmarks, 1772–1874. There are also a few vital records, 1700–1759, in vol. 1 of Town Council Records. From 1853 to date there is one volume each of Births, of Marriages, and of Deaths. Intentions of Marriage run from 1881 to 1895 in 2 volumes, and Intentions and Returns of Marriage from 1895 in 2 volumes. The records as far as 1850 are printed in vol. 5 of Arnold's *Vital Record of R. I.*

Assessors Records run from 1870 to date. The Tax Books have been printed from 1856 to date.

School Reports have been printed from at least as early as 1874 to date.

Miscellaneous Records are as follows:

Town Orders on Treasury, 1805–1887, 1 vol.
Registry Book, 1842–date, 3 vol.
Militia Enrollments, 1856–1882, 1 vol.
Dog Register, 1860–date, 3 vol.
Highway Bills, 1861–date, 2 vol.
Medical Register, 1895–date, 1 vol.
Register of Clergymen, 1896–date, 1 vol.
Jury Book, 1902–date, 1 vol.

The records are in good condition, although not well indexed, and are kept in fire-proof receptacles in the house of the town clerk.

COVENTRY.

Coventry was taken from Warwick and incorporated August 21, 1741.

Population: 792 (1748), 2,023 (1774), 2,107 (1782), 2,423 (1800), 3,620 (1850), 5,279 (1900).

Town meeting for election of officers held on the first Monday in June and for appropriations on the last Monday in May. Town council and probate court meet on the third Monday of each month.

Town clerk's office is at Washington.

RECORDS.

Town meeting records from 1741 to date are in 4 volumes. Vol. 1 contains no records from 1767 to 1789, which are to be found, however, in the original minutes of town meetings 1768–1789.

Town council records: Vol. 1 runs from 1741 to 1766. The records for 1767–1789 are only to be found in a bundle of the original minutes. Vol. 2 runs from 1789 to 1805, which is followed by an unnumbered volume 1805–1818, and by a book also numbered vol. 2 1825–1853. Vols. 3–5 cover from 1853 to date.

Probate records from 1741 to 1766 are in vol. 1 of town council records. From 1764 to date they are in 13 volumes. There are also records of wills, vol. 1, 1890 to date; record of bonds, 2 vols., 1875 to date; record of letters, vol. 1, 1888 to date; miscellaneous bonds, 1 vol., 1900 to date; and a separate volume of probate docket.

Deeds: There is an old unbound volume of proprietors records, 1672–1755. The deeds run from 1741 to date, in 36 volumes. There are also mortgages of personal property, 3 volumes, 1838 to date; real estate mortgages, 5 volumes, 1874 to date; Woodland Cemetery record of deeds, 1 volume, 1874 to date; Maple Root Cemetery record, 1 volume, 1893 to date; and receiving book for conveyances. Plats are rolled. There are several very early plats of divisions of land, including one purporting to be a plat of the original lay out of the town lands. There is a copy of this last plat in the Rhode Island Historical Society.

Vital records from 1741 to 1850 are in 2 volumes, and are separately indexed by births, marriages, and deaths. There are also 3 volumes of marriages, 2 volumes of births, and 2 volumes of deaths from 1850 to date. Intentions of marriage, 1881–1896, are in 2 volumes, and intentions and returns of marriage, 1896 to date, are in 4 volumes. The vital records, as far as the year 1850, are printed in Arnold's Vital Record of Rhode Island, volume 1.

Assessors records from 1741 to date are in the office, the early years in small manuscript leaflets and the later years in thin volumes. The tax books from 1862 to date have been printed.

School records in the town clerk's office are boundaries of school districts, 1874–1895, 1 volume. The school reports have been printed presumably from 1847 to date.

Miscellaneous records:

Record of earmarks, 1741–1865, 1 vol.
Record of highways, 1749 to date, 1 vol.
Registry books, 1842–1866, 1877 to date, 3 vols.
Record of inventories of property at Coventry Asylum, 1854 to date, 1 vol.
Register book of Coventry Asylum, 1854 to date, 1 vol.
Militia lists, 1843–1864, 1 vol.
Record of payments to volunteers, 1861–62, 1 vol.
Militia enrollment, 1898, in sheets.
Record of liens, 1872 to date, 1 vol.
Assignment of wages, 1884 to date, 2 vols.
Record of elections, Districts No. 1, 2, 3, 1889 to date, 3 vols.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Dog licenses, 1897 to date, 2 vols.
Record of jurors, 1897 to date, 1 vol.
Naturalization papers, 1902 to date, 1 vol.

There are a few bundles of early papers and documents, such as warrants, receipts, highway districts, rate bills, etc., and including such important documents as signers of the test oath, 1776, list of polls and estates, 1778, etc. There is also a large block of justice's court records

The records are kept in a fireproof vault in the town clerk's office at Washington. The remarks made at the close of the account of the Warwick Records as to the Warner Papers are also applicable to Coventry.

CRANSTON.

Cranston was taken from Providence and incorporated June 14, 1754. Portions of the town were reunited to Providence June 10, 1868, and March 28, 1873.

Population: 1,460 (1755), 1,861 (1774), 1,594 (1782), 1,644 (1800), 4,311 (1850), 13,343 (1900).

Town meeting for elections held on the Tuesday after first Monday in November; for appropriations, on the third Monday in April. Town council meets on the first Monday of each month and probate court on the second and last Saturdays of each month.

Town hall is at Knightsville.

RECORDS.

Town meeting records are in 4 volumes, 1754 to date. The first volume, 1754–1788, containing also vital records to 1828 and records of earmarks to 1846, is shelved with the vital records and has been transcribed.

Town council records are in 19 volumes, 1754 to date. The first three volumes, 1754–1798, contain probate records.

Probate records, from 1754 to 1798, are in the town-council records. From 1798 to date they are in a series numbered vols. 1–28, and since 1849 wills, inventories, letters of administration, guardianship letters, executors' bonds, etc., are in separate volumes. There are also 2 volumes of bonds to probate court, 1872 to date, and probate docket.

Deeds are in 103 volumes, 1754 to date. The first two volumes have been transcribed. From 1857 to date, however, the record of mortgages of real estate are in a separate series, vols. 1–34. The personal property mortgages are in a series, vols. 1–9, 1834 to date. Receiving book for deeds is kept. The plats are arranged in 2 series of large volumes, 5 of street and grade plats and 7 of books of plats, and are also filed in large drawers. For use in the office the plats are copied on large cards, numbered 1 to 135. There are separate volumes of indexes to the property plats and to the street plats. In the deed office in the Providence city hall there are 2 volumes of indexes to all deeds in Providence records referring to Cranston territory, 1755–1868.

Vital records: There are 2 volumes of vital records from 1754 to 1850, the first, 1754–1828, being the first volume of town meeting records. From 1850 to date births are in 3 volumes, marriages in 2 volumes, and deaths in 3 volumes. The vital records to 1850 are printed in volume 2 of Arnold's Vital Record of Rhode Island.

Assessors' records: In the assessor's office are 2 record books of meetings, 1870 to date; 37 assessors' plats, covering the town; 37 indexes to assessors' plats, 37 field books, 67 tax books for the past sixty-seven years, 5 ledgers, and 2 records of plats. In the town clerk's office are 2 volumes of tax-levy books, 1885 to date, and 2 volumes of tax-collectors' sales, 1875 to date. The tax books have been annually printed from 1857 to date.

School records: There is 1 volume of extracts from the records of the commissioners of public schools, 1828–1882. The school reports have been annually printed from 1849 to date, with a few possible exceptions.

Miscellaneous records:

Justice's court records, 1850–51, 1872–1884, 1884–1886, 3 vols.; civil judgments, 1872–1885, 1 vol.; civil record, 1872–1880, 1 vol.; docket, 1872–1886, 1 vol. There are many earlier court records as yet unarranged.

Bonds of limited partnership, corporation certificates, and other contracts, 1851 to date, 1 vol.

Record of liens, 1856 to date, 1 vol.

Census of Cranston, 1865.

Census of Cranston, 1875.

Dog licenses, 1866 to date, 3 vols.

Registry book, 1877 to date, 3 vols.

Record of attachments and executions, 1 vol.

Record of commission for erecting town hall, 1885, 1 vol.

Record of assignment of wages, 1885 to date, 1 vol.

Record of elections 1888 to date, 5 vols.

Miscellaneous records—Continued.
Town ordinances, 1 vol.
Applications to build, 1891–1903, 1 vol.
Suits pending, 1895 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
List of jurors drawn, 1896 to date, 1 vol.
Militia enrollment, 1898, 1 vol.
Sewage licenses, 1881–1890, 1 vol.
Druggists' licenses, 1896 to date (on stubs), 1 vol.
Liquor licenses, first class, 1897 to date (on stubs), 1 vol.
Liquor licenses, 1901 to date (on stubs), 1 vol.
Peddlers' licenses, 1903 to date (on stubs), 1 vol.

There is a large block of papers, such as warrants, petitions, summons, receipts, highway returns, tax-lists, etc., from 1754 to about 1860, and as yet unarranged.

The Cranston records are as well indexed as those of any other town in the State, the deeds, probate records, and plats being provided with separate volumes of indexes. Certain volumes, as noted above, have been transcribed, and taken as a whole the records are in excellent condition, easy of access, and safely kept in a large fireproof vault.

CUMBERLAND.

Cumberland, formerly a part of Attleborough and known as Attleborough Gore, came into the possession of Rhode Island upon the settlement of the boundary controversy with Massachusetts in 1746, and was incorporated as a Rhode Island town January 27, 1747. Woonsocket was separated from Cumberland in 1867.

Population: 806 (1748), 1,756 (1774), 1,548 (1782), 2,056 (1800), 6,661 (1850), 8,216 (1865), 3,882 (1870), 8,925 (1900).

Town meeting for election of officers held on the first Wednesday in June and for appropriations on the second Wednesday in June. Town council and probate court meet on the first Thursday of each month.

Town hall is on Broad street in Valley Falls.

RECORDS.

[NOTE.—Land evidence and probate records that concern Cumberland territory previous to 1747 are to be found at Taunton, the shire town for Bristol County.]

Town meeting records from 1747 to 1759 are mixed with other records in a volume lettered "Probate records, No. 1–3." From 1759 to date town meeting records are in vols. 1–4.

Town council records from 1747 to 1758 are mixed with other records in a volume lettered "Probate records, No. 1–3," and from 1758 to date are in town council records, vols. 2–17.

Probate records run from 1747 to date, vols. 1–33, in 31 volumes. (Vols. 1, 2, and 3 are bound in 1 volume, and contain town meeting, town council, and vital records.) There are also the following: Bonds, 1874–1889, 1 vol.; administration bonds, 1893 to date, 1 vol.; guardianship bonds, 1894 to date, 1 vol.; guardians' bonds, sale of real estate, 1894 to date, 1 vol.; bonds to pay debts and legacies, 1894 to date, 1 vol.; executors' bonds to return inventories, 1895 to date, 1 vol.; accounts, 1895 to date, 1 vol.; wills, 1895 to date, 1 vol.; inventories, administration and guardian, 1895 to date, 1 vol.; letters of administration, etc., 1895 to date, 1 vol.; probate docket, 1896 to date, 1 vol.

Deeds run from 1747 to date, vols. 1–52, with 4 volumes of separate index. Mortgages of personal property run from 1834 to date, vols. 1–7. There are 6 volumes of street plats and profiles and 5 volumes of town plats, with indexes for each. Receiving book for deeds is kept.

Vital records from 1729 to 1760 are in the volume lettered "Probate records, No. 1–3." There are 3 volumes of births and deaths, 1716–1850, and 2 volumes of marriages, 1746–1850. These are followed by record of births, No. 4, 1850–1901, 1 vol., 1901 to date, 1 vol.; record of marriages, vols. 3 and 4, 1850–1895, 2 vols., 1895 to date, 1 vol.; record of deaths, vol. 4, 1852–1901, 1 vol. There are also 5 volumes of intentions and returns of marriage, 1896 to date. The records as far as the year 1850 are printed in vol. 3 of Arnold's Vital Record of Rhode Island.

Assessors' records: Town tax, 1872 to date, is in 15 volumes. The tax books have been printed, 1854 to date.

School reports have been printed from 1848 to date, although some of the earlier numbers can not be located in any collection.

Miscellaneous records:

Marks of sheep, No. 2, 1760–1827, 1 vol.
Corporation returns, 1848 to date, 1 vol.
Mechanics' liens, 1855 to date, 1 vol.
Registry book, 1877 to date, 11 vols.
Assignment of wages, 1884 to date, 2 vols.
Registry of dogs, 1884 to date, 3 vols.
Report of trustees on cemetery, 1890–1900, 1 vol.
Jury book, 1893 to date, 1 vol.
Attachments and executions, 1894 to date, 1 vol. (index).
Naturalization book, 1895 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Record of voting districts, 1896 to date, 5 vols.
Liquor licenses, licenses for entertainments, etc., kept in stub volumes.

The records are kept in a large vault in the town hall at Valley Falls and are in good condition.

EAST GREENWICH.

East Greenwich was incorporated as a town October 31, 1677. It was divided in 1741 and West Greenwich separated from it.

Population: 240 (1708), 1,223 (1730), 1,044 (1748), 1,663 (1774), 1,609 (1782), 1,775 (1800), 2,358 (1850), 2,775 (1900).

Town meeting for elections held on the second Saturday in June and for appropriations on the second Wednesday in August. Town council and probate court meet on the last Thursday of each month.

Town hall is at East Greenwich.

RECORDS.

Town meeting records from 1667 to 1678 are apparently lacking. From 1678 to 1752 they are to be found in the volume wrongly lettered "town council records, 1681–1752," which contains also earmarks 1713–1716, vital records, 1650–1716, and a very few town council entries. From 1752 to 1793 they are in a volume so lettered, and from 1793 to date they are contained in 3 volumes, numbered vols. 4–6.

Proprietor's records: There are several volumes of proprietor's records, one of which, from 1711 to 1829, is wrongly lettered "Council records, 1711–1805." There is an old volume in bad condition containing proprietor's records from 1711 to 1766, also 1709–1735, 1715, etc., 1828–1834, in same loose volume. There are also a few entries of 1715–16 in book 2 of land evidence.

Town council records: There seems to be no records of the town council before 1715, except such entries as are scattered through the volume wrongly lettered "Town council records, 1681–1752," and vols. 1 and 2 of land evidence, 1678–1704 and 1703–1717. The regular series apparently begin with the volume of town council records, 1715–1729. This is followed by council book 5 B, 1730–1752; council book, 1752–1784; book No. 4, 1784–1807; book 5 A, 1807–1826; book No. 6, 1826–1845, and by books Nos. 7 to 12, 1845 to date. The volume labeled "Council records, 1711–1805," is in reality proprietors' records from 1711 to 1829.

Probate records prior to 1715 are apparently scattered through the same early volumes as are the town council records. From 1715 to date they are contained in 10 volumes. There are 2 volumes of bonds, 1872 to date, and a probate docket. The probate records have indexes in each volume.

Deeds: Land evidence book 1, includes deeds, 1678–1704, a few vital records, 1680–1713, a few probate entries, 1684, 1691, 1698, 1704, and earmarks 1684–1686. Land evidence book 2 includes deeds, 1703–1717, vital records, 1682–1715, and a few inventories, earmarks, and proprietor's records. Land evidence book 3 contains deeds, 1717–1724. There is also an additional volume of land evidence book 3, 1716–1759, containing mortgages. Books 4 to 23 continue the series of land evidence from 1724 to date. The volumes of mortgages run from 1729 to date, the last one

being vol. 11. Mortgages of personal property are in 3 volumes, 1835 to date. There is a receiving book for deeds. Plats are rolled and there is one large folio book of plats, which is indexed. There are three early plats preserved, two of 1711 and 1734 showing the compact part of the town, and one of 1726 of territory southwest of the town.

Vital records from 1650 to 1716 are scattered throughout the volume of town meeting records lettered "Town council records, 1681–1752," from 1680 to 1713 in the first volume of land evidence, from 1682 to 1715 in the second volume of land evidence, and from 1746 to 1752 in the first volume of probate records. The regular series of vital records run from 1716 to 1851, in 4 volumes, and are continued by 1 volume of births, 1 of marriages, and 1 of deaths from 1850 to date. Intentions of marriage and intentions and returns of marriage run from 1881 to date, in 4 volumes. The records as far as 1850 are printed in vol. 1 of Arnold's Vital Record of Rhode Island.

Assessors records: The original tax-lists have been preserved, from 1836 to date, with a few exceptions, and there are a few scattered lists of the eighteenth century. The tax books have been printed from 1863 to date.

School records: The school reports have been printed in 1857 and from 1870 to date, with possibly issues for intervening dates.

Miscellaneous records:

Record of earmarks, 1716–1856, 1 vol.
Bank mortgages, 1741–1754, 1 folio unbound vol.
Book of estrays, 1755–1863, 1 vol.
Record of justice's court, 1782–1828, 11 pamphlet vols.
Notary public record, 1795–1816, 2 vols.
Docket of notes and accounts received for collection, 1823–1835, 1 vol.
Book of militia enrollments, 1862–1880, 1 vol.
Militia lists, 1881–1885, 1 vol.
Registry of voters, 1842–1855, 1842–1876, 2 vols.
Registry book, 1877 to date, 2 vols.
Dog register, 1864 to date, 4 vols.
Assignment of wages, 1884 to date, 1 vol.
Jury lists, 1893 to date, 1 vol.
Mechanics' liens, 1895 to date, 1 vol.
Pending suits, 1895 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
A large number of bundles of miscellaneous papers, chiefly records of justices' courts.

The records are kept in fireproof quarters in the town hall at East Greenwich. Several of the early volumes have been preserved by the Emery process.

EAST PROVIDENCE.

The town of Seekonk was taken from Rehoboth and incorporated as a Massachusetts town in 1812. On the settlement

of the boundary controversy between Massachusetts and Rhode Island, the westerly part of Seekonk came into the possession of Rhode Island and was incorporated as the town of East Providence, March 1, 1862.

Population: 2,172 (1865), 12,138 (1900).

Town meeting for election of officers held on the Tuesday next after the first Monday in November, and for appropriations on the second Monday in November. Town council meets on the first Wednesday of each month and probate court meets on the second Monday of each month.

Town hall is on Taunton avenue in East Providence.

RECORDS.

[NOTE.—The records that concern East Providence territory previous to 1862 are deposited as follows: Town meeting and vital records from 1645 to 1812 are at Rehoboth and from 1812 to 1862 at Seekonk. Land evidence and probate records from 1686 to 1862 are at Taunton.]

Town meeting records from 1862 to date are in 2 volumes.

Town council records from 1862 to date are in 9 volumes.

Probate records from 1862 to date are as follows: Probate court journal, vols. 1–4; record of wills, vols. 1–2; record of inventories, commissioners' reports and accounts, vols. 1–4; letters of administration, vols. 1–2; letters of guardianship, vols. 1–2; letters testamentary, vols. 1–3. There are also 4 volumes of probate bonds, 1873 to date; 1 volume of probate warrants, 1899 to date, and probate docket. Probate records are indexed in each volume from 1862 to 1895, and in the probate docket from 1895 to date.

Deeds run from 1862 to date, vol. 1–50, and are provided with 6 volumes of indexes. Mortgages of real estate run from 1862 to date, vol. 1–31, with 3 volumes of index. Personal property mortgages run from 1862 to date, vol. 1–7. There is a receiving book for conveyances. Plats are in 9 folio volumes, with an index to lot owners and an index to plats. Highway plats are in 11 folio volumes, with an index. There are also 38 folio plat cards.

Vital records: There are 2 volumes each of births, of marriages, and of deaths, 1862 to date, with 3 volumes of indexes. There are also 5 volumes of intentions of marriage and intentions and returns of marriage, 1881 to date.

Assessors' records and also the collector's book run from 1862 to date. There are 9 volumes of tax book fire districts, 1890–1898. The tax books have been printed from 1863 to date, with the probable exception of 1864, 1865, and 1866.

School reports have been printed from 1863 to date, being published in the reports of town officers, 1876 to date.

Miscellaneous records:

Highway records, 1865 to date; 1 vol. (includes copies of highway layouts taken from Rehoboth records, 1684–1856).

Miscellaneous records—Continued.
Attachments and executions, 1872 to date, 1 vol.
Tax collectors returns of auction sales, 1873–1883, 1 vol.
Census of East Providence, 1875, 1 vol.
Enrollment of militia, 1875 to 1885, 1 vol.
Registry book, 1877 to date, 4 vols.
Dog licenses, 1879 to date, with an index of 2 vols.
Vaccination records, 1882 to date, 2 vols.
Assignment of wages, 1885 to date, 1 vol.
Record of liens, 1885 to date, 1 vol.
Liquor licenses, 1890 to date.
Druggist liquor licenses, 1892 to date.
Jury book, 1893 to date, 1 vol.
Entertainment licenses, 1901 to date.
Peddlers licenses, 1903 to date.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Notice of pending suits, 1896 to date, 1 vol.
Military enrollment of 1898, 1 vol.

The records are in a fireproof room in the town hall on Taunton avenue, and are in good condition and well indexed.

EXETER.

Exeter was taken from North Kingstown and incorporated as a town March 8, 1743.

Population: 1,174 (1748), 1,864 (1774), 2,058 (1782), 2,476 (1800), 1,634 (1,850), 841 (1900).

Town meeting for election of officers held on the first Tuesday in June, and for appropriations on the first Tuesday in April. Town council and probate court meet on the first Monday of each month.

Town Hall is at Pine Hill, but all the records in daily use, at the present writing, are kept in the town clerk's house, about 2 miles east of the town hall.

RECORDS.

Town meeting records are in 8 volumes, 1743 to date.
Town council records are in 19 volumes, 1743 to date. Vols. 1–17 include probate records.
Probate records, 1743 to date, are contained in vols. 1–17 of town council records and separately in probate records, vols. 18–20. There are also 2 volumes of probate bonds, 1873 to date, 1 volume of probate index, and 1 volume of probate docket.
Deeds are in 21 volumes, 1743 to date. From 1882 to date mortgages are kept separately, vols. 20–21. There is a separate volume of index of

deeds. Personal property book, 1834 to date, 2 volumes (vol. 2 includes also assignments of wages, receipts and agreements, and leases). Most of the plats are recorded in the deed books, although there are a few rolled.

Vital records are in 1 volume, 1743–1853. Since 1850 there are two each of births, of marriages, and of deaths. There are 3 volumes of intentions of marriage, 1881 to date. The records as far as the year 1850 are printed in Vol. 5 of Arnold's Vital Record of Rhode Island.

Assessors records: Nearly all of the original tax books are in the office from 1850 to date. The tax books have been printed from 1855 to date. In the Westerly Public Library there is a manuscript volume containing autograph accounts of rateable estates in Exeter, apparently all of the year 1767.

School reports have been printed from 1851 to date, although a few reports previous to 1870 have not been located in any collection.

Miscellaneous records:

Record of the board of canvassers, 1876 to date, 1 vol.
Registry book, 1877 to date, 2 vols.
Dog licenses, 1892 to date, 1 vol.
Jury book, 1893 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Medical register, 1 vol. (has no entries).

There are a few old volumes, such as militia lists, dog licenses, tax records, etc., in the town hall, which are not enumerated in this report.

There are two safes provided for the records in the town hall near Pine Hill, but at the present time most of the records are kept in the town clerk's house. They are in excellent condition, and are fairly well indexed.

There is a collection of Exeter papers preserved in the library of the Rhode Island Historical Society, a description of which can be found in Rhode Island Historical Society Publications, iv: 35, vi: 43. They have been arranged and classified under the following headings:

Town meeting records, 1764–1862.
Town meeting warrants, 1831–1863.
Town council records, 1788–1858.
Highway orders, 1814–1866.
Reports and plats of highways at various times.
Bonds, 1740–1841.
Deeds, 1744–1839.
Indentures, 1760–1850.
Tax books, 1733–1844.
Tax lists.
Wills and probate matter.
Lists of rateable estates.

A few military papers.
Miscellaneous letters.
Letters to Jonathan Arnold, 1796–1803.
Probate papers, 1780–1862 (4 bundles).
Town treasurer's accounts and bills (3 bundles).
Justice's Court records, 1818–1834.
Miscellaneous papers (2 boxes).

FOSTER.

Foster was taken from Scituate and incorporated August 24, 1781.

Population: 1,763 (1782), 2,457 (1800), 1,932 (1850), 1,151 (1900).

Town meeting for election of officers held on the last Monday in May and for appropriations on the last Monday in March. Town council and probate court meet on the first Saturday of each month.

Town clerk's office is at Foster Centre.

RECORDS.

Town meeting records are in 2 volumes, 1781 to date.

Town council records are in 4 volumes, 1781 to date.

Probate records are in a series labeled Wills, 1782–1887, vols. 1–11; probate records, 1887 to date, vols. 12–13. There are also 2 volumes of records of bonds, 1873 to date.

Deeds are in 20 volumes, 1782 to date. There are 4 volumes of mortgages of real estate, 1861 to date, and 1 volume of records of personal estate, 1835 to date. Some of the plats are in a volume and others are rolled.

The plat of the Westconnaug Purchase, drawn in 1734 and covering the southern half of the town, is now preserved in the library of the Rhode Island Historical Society.

Vital records from 1782 to 1850 are in 1 volume. From 1850 to date there is one volume each of births, of marriages, and of deaths. There is 1 volume of intentions of marriage, 1881–1896, and 2 volumes of intentions and returns of marriage, 1896 to date. The records as far as 1850 are printed in Arnold's Vital Record of Rhode Island, vol. 3.

Assessors' records: There are 8 volumes of tax records from 1871 to date, variously labeled. The tax books have been printed from 1868 to date.

School records in the town clerk's office are boundaries of school districts, 1846–1855, 1 vol. The school reports were printed separately in 1874, 1875, and 1876, and in the tax books from 1878 to date.

Miscellaneous records:

Militia lists, 1843–1882, 1 vol.
Records of board of canvassers, 1843 to date, 2 vols.
Registry of voters, 1851–1889, 1 vol.
Registry book, 1889 to date, 1 vol.

Miscellaneous records—Continued.
Records of dogs, 1870 to date, 3 vols.
Vaccination list, 1881, 1 vol.
Record of jurors, 1893 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.

The records, although well bound and in good condition, are not well indexed and are not kept in fireproof receptacles. At the time of the compilation of this report, however, the town is preparing to change the town clerk's office to more suitable quarters.

GLOCESTER.

Glocester was taken from Providence and incorporated February 20, 1731. Burrillville was separated from it in 1806.

Population: 1,202 (1748), 2,945 (1774), 2,791 (1782), 4,009 (1800), 2,872 (1850), 1,462 (1900).

Town meeting for election of officers held on the first Monday in June, and for appropriations on the third Saturday in April. Town council and probate court meet on second Saturday of each month.

Town clerk's office is in Chepachet.

RECORDS.

Town meeting records are in 3 volumes, 1731 to date.

Town council records are in 5 volumes, 1731 to date. Vols. 3, 4, and 5 are wrongly lettered 4, 3, and 4.

Probate records, wills, and inventories are in 8 volumes, 1733 to date, and contain indexes in each volume. Vol. 2 is lettered "Highways and wills," and contains, in addition to wills, 1781–1796, 163 pages of records of highways, 1733–1815. Vol. 6 is lettered "Probate records," and vols. 7 and 8 are lettered "Probate court records." The probate records are kept separately from 1815 to date, in 4 volumes. The record of bonds are in 2 volumes, 1873 to date, the first volume, 1873–1882, containing also attachments and mechanics' liens from 1896 to date. There is a volume of probate docket, 1896 to date.

Deeds: The deed books run from 1731 to date, in 38 volumes, and include mortgages. They are indexed in each volume, and there is a general index to volumes 1–21. Personal property mortgages, from 1834 to date, are in 2 volumes, vol. 2 including also assignment of wages and bills of sale. There is a receiving book for deeds. Plats are rolled.

Vital records from 1731 to 1850 are in 1 volume, well indexed. From 1850 to date there are 2 volumes each of births, marriages, and deaths. Intentions of marriage, 1881–1895, 2 volumes, and intentions and returns

of marriage, 1896 to date, 2 volumes. Records previous to 1850 are printed in vol. 3 of Arnold's Vital Record of Rhode Island.

Assessors' records: The tax books from 1862 to date are in separately bound volumes. Prior to 1862 they are filed. The tax books have been printed in 1859, and from 1864 to date, with the probable exception of 1865.

School records in the town clerk's office are boundaries of school districts, 1839–1896, 1 vol., and school account book, 1846–1862, 1 vol. School reports have been printed from 1858 to date.

Miscellaneous records:

Limits of highways, 1826 to date, 1 vol.
Militia lists, 1843–1885, 1 vol.
Treasurer's journal, 1876 to date, 3 vols.
Treasurer's ledger, 1876 to date, 2 vols.
Registry book, 1877 to date, 2 vols.
Jury book, 1893 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Militia enrollment of 1898, in sheets.
Justices' court record, 1873–1893, 1 vol.
Justices' court record, 1881–1886, 1 vol.
Justices' court civil docket, 1873–1886, 1 vol.

There are several boxes of loose papers, such as receipts, warrants, accounts, indentures, etc., chiefly of the eighteenth century.

The records are kept in two safes in the town clerk's office in Chepachet. The early records have been carefully rebound and are in excellent condition.

HOPKINTON.

Hopkinton was taken from Westerly and incorporated March 19, 1757.

Population: 1,808 (1774), 1,735 (1782), 2,276 (1800), 2,477 (1850), 2,602 (1900).

Town meeting for elections held on the first Tuesday in June, for appropriations on the Thursday before the last Tuesday in May. Town council and probate court meet on the first Monday of each month.

Town hall is in Hopkinton City.

RECORDS.

Town meeting records are in 4 volumes, 1757 to date.

Town council records are in 13 volumes, 1757 to date.

Probate records are in 19 volumes, 9 of which, 1757–1859, are classed as town council records, and 10 of them, 1859 to date, are strictly probate records. There are 2 volumes of probate bonds, 1872 to date, and 1 volume of probate docket, 1895 to date.

Deeds are in 26 volumes, 1757 to date.

Vital records: The births, marriages, and deaths from 1757 to 1851 are to be found in the various volumes of town meeting records. From 1851 to date there is 1 volume each of births, of marriages, and of deaths. Marriages are also recorded in 4 small volumes, 1881 to date, and from 1881 to 1896 the intentions and returns of marriages are in a thin folio volume. All the vital records from 1757 to 1850 are printed in Arnold's Vital Record of Rhode Island, vol. 5.

Assessors' records prior to 1891 are filed as documents. From 1891 to date they are contained in 4 volumes. The tax books have been printed annually from 1855 to date, with the exception of the year 1860.

School records: There is 1 volume of the boundaries of school districts, 1828–1903. The reports of the school committee and superintendent have been printed annually from 1856 to date, with the probable exception of the year 1863, which does not seem to be in any set.

Miscellaneous records:

Mortgages of personal property, 1834 to date, 3 vols.
Highway lists, 1861–1889, 4 vols.
List of militia (also lists of jurors) 1869–1882, 1 vol.
Dog licenses, 1874 to date, 3 vols.
Registry book, 1877 to date, 2 vols.
Assignment of wages, 1884 to date, 2 vols.
Records of voting districts, 2 vols. (one for Hope Valley and one for Ashaway).
Jury book, 1893 to date, 1 vol.

The records, which are mostly indexed and are in good condition, are kept in safes in the town hall at Hopkinton City.

JAMESTOWN.

Jamestown, on the island of Conanicut, was incorporated November 4, 1678.

Population: 206 (1708), 563 (1772), 344 (1782), 501 (1800), 358 (1850), 1,498 (1900).

Town meeting for election of officers and for appropriations held on the first Wednesday in April. Town council and probate court meet on the fourth Monday of each month.

Town clerk's office is on Narragansett avenue, in Jamestown.

RECORDS.

Town meeting records, called in the early period records of the "Proprietors and freemen," from 1679 to 1744 are in the volume lettered "Proprietors' records, births, marriages, and deaths." This volume, which includes also town council records and earmarks, has been preserved by the Emery process, but has pages 15–39 very much misplaced. Town meeting records from 1744 to 1796 are in the volume lettered "Book of town records, No. 3." From 1797 to 1857 they are in a volume numbered Book 4. From 1858 to date they are in 1 volume.

Town council records from 1697 to 1744 are in the volume lettered "Pro-

prietors records, etc." From 1744 to 1766 they are in the volume lettered "Book of town records, No. 3." This is followed by town council, No. 4, 1767–1813; town council No. 5, 1813–1849; town council 1849–1874; probate and town council, No. 5, 1874–1887, and probate and town council, No. 6, 1887–1895. From 1895 to date town council records are kept separately in vol. No. 7.

Probate records previous to 1895 are kept in the same volumes with town council records, *q. v.* There are also some probate records from 1680 to 1730 in the volume of land evidence, No. 1. From 1895 to date, probate records are kept separately in vol. 7. There is a volume of probate docket, 1896 to date.

Deeds: Land evidence, from 1680 to 1730, is in the volume lettered "Land evidence, No. 1." This volume also contains probate records from 1680 to 1730, proprietors records, 1722, a few Indian deeds of 1657–1659, and a plat of Goulds Island, 1752, laid in. It has been preserved by the Emery process, but unfortunately lacks a few leaves at either end. There is also a typewritten copy of this volume. From 1730 to date land evidence is numbered vol. 2–15. There is a separate volume of index and a reception book. Personal property mortgages, 1841 to date, are in 2 volumes, the first in paper. Plats are rolled. There is a plat of the early lay out of lands on Conanicut, 1659, filed among the records of the Newport County court, although at the present writing it can not be found. There is said to be an early copy of this plat framed and hung up in the John E. Watson house on Conanicut Island.

Vital records from 1667 to 1850 are scattered throughout the volume lettered "Proprietors records, births, marriages, and deaths," and have been printed in vol. 4 of Arnold's Vital Record of Rhode Island. From 1850 to date there is 1 volume each for births, marriages, and deaths. Intentions of marriage, 1882–1896, are in 1 volume, and intentions and returns of marriage, 1896 to date, in 2 volumes.

Assessors records for the last half of the nineteenth century are preserved only in the original sheets. From 1899 to date the original lists are kept in 1 volume. The tax books have been printed in 1854, 1860, 1863, 1865, 1869, and possibly intervening dates, and 1870 to date.

School reports from 1874 to date exist in manuscript in the office of the State board of education.

Miscellaneous records:

Registry book, 1877 to date, 2 vols.
Dog licenses, 1885 to date, 2 vols.
Record of licenses, No. 1, 1891 to date, 1 vol.
Naturalization papers, 1892 to date, 1 vol.
Jury book, 1893 to date, 1 vol.
Index of writs of attachment, 1894 to date, 1 vol.
Notices of liens, No. 1, 1895 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1898 to date, 1 vol.
Record of elections, 1901 to date, 1 vol.

The records are kept in two safes in the town clerk's office and are in good condition. A card catalogue index of probate and land evidence is in progress.

JOHNSTON.

Johnston was taken from the town of Providence and incorporated March 6, 1759. The more populous portion of the town was annexed to Providence in May, 1898, and nearly all the records were removed to the Providence city hall.

Population: 1,031 (1774), 996 (1782), 1,346 (1800), 2,937 (1850), 11,203 (1895), 4,305 (1900).

Town meeting for election held on the Tuesday after the first Monday in November, and for appropriations on the first Monday in April. Town council meets on the second Friday in each month, and probate court on the second and fourth Tuesday of each month.

Town clerk's office is at Thornton.

RECORDS.

Town meeting records before 1898 are in the office of the Providence city clerk. The Johnston office has transcripts of the records from 1796 to 1898 in 3 volumes. The records from 1898 to date are kept in a volume lettered 1884 to date, the entries from 1884 to 1898 being merely minutes. The lists of town officers are kept in a separate volume, 1891 to date.

Town council records from 1759 to 1898 are in the office of the Providence city clerk. The Johnston office has the records from 1898 to date in 2 volumes.

Probate records from 1759 to 1898 are in the office of the municipal court of Providence. The Johnston office has a volume of transcripts of probate records, 1875–1898, but of wills only, and the record from 1898 to date in 9 volumes not numbered serially. There is also a volume of probate docket.

Deeds from 1759 to 1898 are in the office of the recorder of deeds of Providence. The Johnston office has a volume of transcripts of deeds, 1876–1898, lettered vol. 13. The deeds from 1898 to date are in 4 volumes, lettered vol. 61 and vols. 1–3. Mortgages from 1898 to date are in 3 volumes, lettered vols. 63, 14, and 1. Personal property mortgages are in 3 volumes, vol. 1 being 1898 to date, and vols. 2 and 3 being transcripts, 1892–1898. There is also an index, 1892–1898, and a receiving book. The plats of estates as far as 1898 are in the Providence deed office, the Johnston office having copies of those in the remaining portion of Johnston and also all plats from 1898 to date. Of street plats and profiles, the Johnston office has only those of the remaining portion of Johnston, the plats of the annexed portion being in Providence.

Vital records: The original volumes from 1759 to 1898 are in the office of the Providence city registrar. The Johnston office has copies of births, marriages, and deaths, 1759–1898, and 1 volume of births, 1 volume of deaths, and 2 volumes of intentions and returns of marriages from 1898 to date. The records as far as 1850 are printed in vol. 2 of Arnold's Vital Record of Rhode Island.

Assessors' records: The Johnston office has only the manuscript volumes, from 1898 to date, in 9 volumes, and the poll-tax books, from 1898 to date, in 6 volumes. The tax books have been printed from 1857 to date.

School reports have been printed from 1857 to date, with a few possible exceptions between 1858 and 1870.

Miscellaneous records (most of the volumes before 1898 being in their appropriate offices in the Providence city hall):

Registry book, 1895 to date, 2 vols.
Application to build, 1901 to date, 1 vol.
Attachments, executions, and mechanics liens, 1876–1896, 1 vol.
Attachment book, 1898 to date, 1 vol.
Pending suits, 1899 to date, 1 vol.
Record of liens, 1898 to date, 1 vol.
Record of leases, 1898 to date, 1 vol.
Dog book, 1898 to date, 1 vol.
Assignment of wages, 1898 to date, 1 vol.
Registration of clergymen, 1898 to date, 1 vol.
Jury book, 1899 to date, 1 vol.
Record of elections, 1896 to date, 2 vols. (districts No. 3 and 4; districts No. 1 and 2 having been annexed to Providence).
Registry of bonds, issue of February 1, 1892, 1 vol.

The records are kept in a vault in the town clerk's office in Thornton.

LINCOLN.

Lincoln was taken from Smithfield and incorporated March 8, 1871. Central Falls was taken from Lincoln and incorporated February 21, 1895, and the records from 1871 to 1891 were placed in the office at Central Falls.

Population: 7,889 (1871), 20,355 (1890), 8,937 (1900).

Town meeting for election of officers held on the Tuesday next after the first Monday in November, and for appropriations on the second Monday in June. Town council meets on the first and third Thursday of each month, and probate court meets on the fourth Saturday of each month.

Town clerk's office is on Lonsdale avenue in Lincoln.

RECORDS.

[NOTE.—The records from 1871 to 1895 are in the office at Central Falls, *q. v.*]

Town meeting records from 1895 to date are in 1 volume.

Town council records from 1895 to date are in 1 volume.

Probate records, including records, wills, bonds, and letters, from 1895 to date, are in 4 volumes. There is a probate docket, 1895 to date, and an inventory book, 1897 to date.

Deeds from 1871 to date are in 16 volumes. The deeds from 1871 to 1895 are transcribed from the records at Central Falls. There is a separate

volume of index and a receiving book. Plats are filed in thin folio volumes.

Vital records: From 1895 to date there is 1 volume each of births, of marriages, and of deaths. Intentions and returns of marriage are in 6 volumes, 1895 to date.

Assessors records from 1895 to date are in 7 volumes. Tax books have been printed from 1871 to date, including from 1871 to 1895 the territory of the present Central Falls.

School reports have been printed from 1872 to date, including from 1872 to 1895 the territory of the present Central Falls, and from 1895 to date being bound in with the annual reports.

Miscellaneous records:

Assignment of wages, 1895 to date, 1 vol.
Attachments, liens, and notices of pending suits, 1895 to date, 1 vol.
Jury book, 1895 to date, 1 vol.
Dog licenses, 1895 to date, 1 vol.
Record of elections, 1892 to date, 4 vols. (1 for each district).
Registry book, 1895 to date, 4 vols.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Town licenses, 1901 to date, 2 vols.

LITTLE COMPTON.

Little Compton, one of the five towns received from Massachusetts in 1746 by royal decree, was incorporated as a Rhode Island town January 27, 1747. It had previously been incorporated as a town by the Plymouth colony in 1682. As incorporated by Rhode Island it included nearly the whole of the original town of Little Compton and a small part of the town of Dartmouth.

Population: 1,152 (1748), 1,232 (1774), 1,341 (1782), 1,577 (1800), 1,462 (1850), 1,132 (1900).

Town meeting for election of officers and for appropriations held on the first Tuesday in April. Town council and probate court meet on the second Monday of each month.

Town hall is at Little Compton Commons.

RECORDS.

[NOTE.—The town meeting and vital records before 1747 are still in the possession of the town, but the land evidence and probate records before that date, according to the Massachusetts system, are at the county seat at Taunton.]

Town meeting records. The earliest volume, called "Town records, vol. 1, 1697–1779," contains town meeting records of 1682 and 1696 to 1774, vital records, 1672–1774, earmarks, etc. This volume is preserved by the Emery process. "Town record, vol. 2," contains town meeting

records, vital records, etc., from 1775 to 1823. Town meeting records run from 1823 to date, vols. 3–5.

Town council records run from 1747 to date, in 11 volumes. Volumes 1 to 8 include probate records.

Probate records are included in vols. 1–8 of town council records, 1747–1841. From 1841 to date they are kept separately in volumes lettered vol. 9–14. There are also records of town council for administrators bonds, 1747–1798, 1 vol.; record of bonds, 1832–1852, 1 vol.; executors, administrators, and guardians bonds, 1871 to date, 1 vol.; index to council and probate, 1747–1888, 1 vol.; probate docket, 1 vol.

Deeds: The town possesses the original "Book of records for the proprietors of the lands of Little Compton," 1673–1755, and also a transcript of the same made in 1843. Land evidence runs from 1747 to date, vol. 1–18. Personal property records run from 1842 to date, vol. 1–2. There is a separate index of grantees and a receiving book. Such plats as are too large to enter in the deed books are filed. The town possesses the original plat of the lands of Little Compton, which, however, is much in need of repair.

Vital records from 1672 to 1823 are in vol. 1 and 2 of the "Town record." There is also a volume containing a transcript of the vital records in the "Town record No. 1," 1681–1774. The records from 1823 to 1850 are not in the possession of the town. From 1850 to date there is one volume each of births, of marriages, and of deaths. Intentions of marriage and intentions and returns of marriage run from 1881 to date in 4 volumes. The records as far as the year 1850 are printed in vol. 4 of Arnold's Vital Record of Rhode Island.

Assessors' records, with the exception of very recent years, do not seem to be in the office. The tax books have been printed from 1891 to date.

School reports have been printed from 1878 to date, with the exception of 1881 and 1894. The manuscript reports for 1875–1877, 1881 and 1894 are preserved in the office of the board of education.

Miscellaneous records:

Town treasurer's book, 1798–1875, 1 vol.
Town asylum account book, 1848–1882, 2 vols.
Militia lists, 1843–1888, 1 vol.
Registry book, 1842–1876, 1877 to date, 3 vols.
Jury book, 1893 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Militia enrollment of 1898, in sheets.

The records are kept in a safe in the town hall at Little Comptons Commons, and are in fairly good condition.

MIDDLETOWN.

Middletown was taken from Newport and incorporated June 16, 1743.

Population: 680 (1748), 881 (1774), 678 (1782), 913 (1800), 830 (1850), 1,457 (1900).

Town meeting for election of officers and for appropriations held on the first Wednesday in April. Town council and probate court meet on the third Monday of every month.

Town hall is on the West Road in Middletown.

RECORDS.

Town meeting records, 1743 to date, are in 4 volumes.

Town council records, 1743 to date, are in 10 volumes. Vols. 1–6, 1743–1850, include probate records.

Probate records from 1743 to 1850 are in vols. 1–6 of town council records. From 1850 to date they are in a separate series, numbered vols. 7–13, partially indexed in each volume. There is also 1 volume of bonds, 1872 to date; 1 volume of administrators' bonds, 1890 to date; 1 volume of executors' bonds to return inventory, 1893 to date; several volumes of the original bonds, bound; 1 volume of probate docket.

Deeds. There is an old volume of proprietors' records, 1701–1756. Land evidence runs from 1743 to date, vols. 1–19, with a general index in 2 volumes. Mortgages run from 1754 to 1861, vols. 2–4. Conveyances of personal property are in 2 volumes, 1834 to date. There is a receiving book, 1896 to date, and an index of agreements, mortgages, etc. Plats are rolled.

Vital records from 1700 to 1850 are in 1 volume. From 1850 to date there is 1 volume each for births, marriages, and deaths. Intentions of marriage, 1881–1895, are in 3 volumes, and intentions and returns of marriages, 1896 to date, are in 2 volumes. The records as far as the year 1850 are printed in vol. 4 of Arnold's Vital Record of Rhode Island.

Assessors records: Only the original tax assessments of recent years have been preserved. The tax books have been printed from 1866 to date, the pamphlet since 1878 being called the "Yearbook of Middletown."

School records in the town clerk's office are as follows: Boundaries of school district No. 1, 1846–1876, 1 vol.; records of district No. 1, 1846–1903, 2 vols. School reports have been printed from 1880 to date, and the reports exist in manuscript from 1874 to 1879 in the office of the State board of education.

Miscellaneous records:

Registry book, 1842–1876, 1877 to date, 3 vols.
Lists of enrolled militia, 1843–1882, 2 vols.
Record of dog licenses, 1864 to date, 2 vols.
Census of Middletown, 1865, 1875, 2 vols.
Records of the overseer of the poor, 1871 to date, 2 vols.
Mechanics' liens, 1861 to date, 2 vols.
Index to writs, executions, liens, etc., 1 vol.
Assignment of wages, 1884 to date, 1 vol.
Jury book, 1893 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Militia enrollment of 1898, 1 vol.

The records are kept in two safes in the town clerk's office. In few offices in the State are the early records so carefully preserved and so well arranged.

NARRAGANSETT.

Narragansett was taken from South Kingstown and incorporated as a district March 22, 1888. It was incorporated as a town March 28, 1901.

Population: 1,408 (1890), 1,523 (1900).

Town meeting for election of officers held on the first Monday in June, and for appropriations on the third Monday in May. Town council and probate court meet on the third Monday of each month.

Town hall is at Narragansett Pier.

RECORDS.

[NOTE.—From March, 1888, to June, 1901, the records are those of the District, and since the latter date of the Town.]

Town Meeting Records from 1888 to date are in 1 volume.

Town Council Records from 1888 to date are in 3 volumes.

Probate Records from 1888 to date are in 2 volumes. There is a preceding volume of Transcripts, 1868–1888, a volume of Bond Records, 1889–date, and a Probate Docket, 1896–date.

Deeds, Land Evidence from 1888 to date is in 4 volumes. There are 2 preceding volumes of Transcripts from South Kingstown Records, 1868–1888. The Real Estate Mortgage Records, 1888–date, are in 5 volumes, the Personal Property Records, 1888–date, in 2 volumes, and there is 1 volume of Transcript of Mortgage Records, 1868–1888. There is a separate volume of Index to Grantors and Grantees of Land Evidence and Mortgages, and a Recording Book, 1896 to date. Plats of estates are recorded in the volumes of land evidence and there is 1 volume of Plats of Highways and 1 of Plats of Sewers.

Vital Records from 1888 to date are in 3 volumes, one each for Births, Marriages, and Deaths. Intentions of Marriage, 1888–1896, are in 1 volume, and Intentions and Returns of Marriage, 1886–date, in 2 volumes.

Assessors Records from 1888 to date are in 16 volumes, there being one Tax Book for each year. The Tax Books have been printed from 1888 to date.

School Reports have been printed from 1888 to date.

Miscellaneous Records are as follows:

Dog Register, 1888–date, 1 vol.
Record of Elections, 1888–1900, 1 vol.
Registry Book, 1888–date, 2 vols.
List of Jurors, 1893–date, 1 vol.
Writs of Attachment, 1893–date, 1 vol.
Medical Register, 1895–date, 1 vol.

Miscellaneous Records, etc.—Continued.
Register of Clergymen, 1896–date, 1 vol.
Assignment of Wages, 1897–date, 1 vol.
Mechanics' Liens, 1898–date, 1 vol.
Survey of Line between Narragansett and So. Kingstown, 1898, 1 vol.

The records are in excellent condition, well bound and indexed, and kept in fire-proof receptacles.

NEW SHOREHAM.

New Shoreham, admitted to the colony as Block Island in 1664, was incorporated November 6, 1672. Although its corporate name is New Shoreham, it is generally known as Block Island.

Population: 208 (1708), 575 (1774), 478 (1782), 714 (1800), 1,262 (1850), 1,396 (1900).

Town meeting for election of officers held on the Tuesday next after the first Monday in November, and for appropriations on the first Tuesday in June. Town council and also the probate court meet on the first Monday of each month.

Town hall is about a mile from the steamboat landing.

RECORDS.

Town meeting records from 1672 to 1800 are recorded in deed books. From 1800 to date they are in 6 volumes.

Town council records from 1800 to 1844 are recorded in deed book. From 1844 to date they are in 5 volumes. Prior to 1800 town council business seems to have been transacted in town meeting.

Probate records prior to 1800 are kept in the deed books. From 1800 to 1900 they are in 7 volumes. From 1900 to date there is a separate volume of wills, one of bonds and letters, one of inventiories and accounts, and one of probate decrees and acts. There is a probate docket and a separate volume of probate index.

Deeds: The volumes of land evidence run from 1672 to date in 18 volumes. From 1672 to 1800 they served as general record books for deeds, mortgages, probate matter, vital records, town-meeting records, etc. The first volume, 1672–1715, which contains also a few deeds as early as 1660, is not arranged chronologically, but appears to have been made up of records written on separate pieces of paper later gathered and bound in book form. There are 3 volumes of mortgages of real estate, 1872 to date; 1 volume of mortgages of personal property, 1876 to date, and separate volumes of index to grantors and grantees. Plats are rolled.

Vital records prior to 1850 are kept in the deed books and are printed in Vol. 4 of Arnold's Vital Record of Rhode Island. From 1850 to date there is one volume each of births, of marriages, and of deaths. Intentions and returns of marriage are in 3 volumes.

Assessors' records are recorded in town-meeting record books, but the original tax books are turned over to the town treasurer. The tax books have been printed from 1889 to date.

School reports have been printed, 1878–1880, 1882 to date. The manuscript reports for 1873, 1874, 1875, and 1881 are in the office of the State board of education.

Miscellaneous records:

Militia lists, 2 vols.
Dog licenses, 1 vol.
Registry book, 1877 to date, 2 vols.
Assignment of wages, 1 vol.
Jury book, 1893 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.

The records are in fair condition and are kept in two large fireproof safes, one at the town hall and the other in the town clerk's residence.

NEWPORT.

Newport, one of the four original towns, was settled in 1639, having separated itself from Portsmouth. Line between Portsmouth and Newport established September 14, 1640. Middletown separated from Newport in 1743. Newport incorporated as a city June 1, 1784, but city charter repealed March 27, 1787. Incorporated again as a city May 6, 1853.

Population: 2,203 (1708), 9,209 (1774), 5,532 (1782), 6,739 (1800), 9,563 (1850), 22,034 (1900).

Municipal election held on the Tuesday next after the first Monday in November. City council meets on the first Tuesday of each month. Probate court meets every Monday.

City hall is on the corner of Broadway and Bull street.

RECORDS.

[NOTE.—As is well known, the Newport records previous to the Revolution are in an almost ruined state, owing to the fact that the British carried away the manuscript records of the town upon the evacuation of the place in October, 1779. They were taken charge of by Walter Chaloner, the Tory sheriff of Newport, in a small vessel accompanying the British fleet. Passing Hell Gate the vessel struck, sank, and remained under water for several days. Governor Greene complained of the loss of the records to General Washington, who used his endeavors to recover them. They were finally rescued and deposited in a store in New York. They remained there unopened until the Newport town council, hearing of their whereabouts, sent a request July 29, 1782, for their return. General Carleton replied that he did not know that they were in New York, and apologized for their detention. They were returned in December, 1782. (See Bull's Memoirs of Rhode Island; R. I. Hist. Soc. Coll., vi: 249,251 R. I. Hist. Soc. Publ., i: 144; Newport MS. Town Records, 1779–1816, pp. 59, 70, and Jackson's Antiquarian Map of Newport in the Redwood Library.) The records were examined in 1857 and considerable of the part relating to land evidence copied. Within the last few years the Newport city council has recognized the urgent necessity of

more carefully preserving these valuable records even at this late day, and has appropriated occasional sums to have them repaired by the Emery Record Preserving Company of Taunton. This is being done under the watchful care of Mr. R. Hammett Tilley, librarian of the Newport Historical Society and State record commissioner.]

RECORDS.

Town meeting records: The records of the town of Newport from 1639 to 1644 are in the volume of the secretary of state's office labeled "Records of the Island of Rhode Island, 1638–1644," and are printed in the R. I. Colonial Records, vol. 1, pp. 87–128. In the present custody of the Newport Historical Society is a bundle of original town meeting records from 1673 to 1776, from which the bound volume labeled "Town Records 1679–1776" was copied; also a volume, preserved by the Emery process, of town meeting records, 1682–1739. The city clerk's office possesses a volume of transcript of early town meetings, 1681–1739, and a transcript of town meeting records, 1679–1776. The regular series of town meeting records run from 1779 to 1853 in 4 volumes.

Town council records: The Emery process volumes, now in custody in the Newport Historical Society, are labeled as follows: 1702–1707, 1707–1716, 1714–1719, 1719–1724, 1743–1750, 1756–1760. All of these 6 volumes contain probate records. The following 5 volumes are ready to bind: 1714–1730, 1731–1741, 1743–1751, 1751–1756, 1760–1765, 1766–1771. There are also three bundles of scattering town council records: 1702–1711, 1716–1741, 1766–1771. The regular series of town council records run from 1784 to 1853, in four volumes, although the records from 1784–1787 in the first volume are properly entitled the records of the city council.

City council records run from 1853 to date in 6 volumes. The records of the city council run from 1853 to date in 5 volumes. The records of the board of aldermen run from 1853 to date in 7 volumes. Petitions, reports, resolutions, and miscellaneous papers are filed in tin boxes from 1853 to date, one box for each year.

Probate records before 1779 are contained in the town council records that have been preserved by the Emery process. (See under Town council.) From 1779 to date the probate records are in 59 volumes. The index is in 5 volumes. Probate bonds of administrators are in 25 volumes, 1775 to date. There is also a loose volume of administrators' bonds to Newport town council, 1739–1768, in the town records in the present custody of the Newport Historical Society. In the city hall are the following volumes: Executors' bonds, 1806 to date, 7 vol.; executors' bonds to pay debts, 1875 to date, 2 vol.; executors' bonds to pay funeral charges, 1873 to date, 1 vol.; guardianship bonds, minors, 1873 to date, 8 vol.; guardianship bonds, adults, 1873 to date, 2 vol.; guardianship bonds, sales of real estate, 1873 to date, 7 vol.; guardianship bonds, sales of estates for payment of debts, 1875 to date, 2 vol.; bonds, sale of real estate, when more is to be sold than is necessary, 1874 to date, 2 vol.; bonds of administration with will annexed, 1873 to date, 4 vol.; probate proceedings, 1870–1875, 2 vol.; probate minute books, proceedings, and blotters, 1808 to date, 68 vol.; memorandum of probate business, 1861–1888, 1 vol.; probate ledger fees, 1878 to date, 4 vol.; letters testamentary,

1879 to date, 2 vol.; letters of administration, 1879 to date, 3 vol.; letters of guardianship, 1883 to date, 1 vol.; appraisers' warrants, 1879 to date, 3 vol.; commissioners' warrants, 1881 to date, 1 vol.; records of claims filed, 1896 to date, 1 vol.; probate docket, 1896 to date, 3 vol.

Deeds: The Emery process volumes in the present custody of the Newport Historical Society are as follows: Newport town records, land evidence, 1712–1719, 1714–1719, 1720–1729, 1721–1725, 1721–1730, 1730–1733, 1748–1751, 1770–1772. A card index to these 7 volumes has been begun. The following are ready to bind: 1714–1724, 1726–1731, 1732–1756, 1757–1774, 1763–1775. The following are in loose form: Land evidence book 15, 1761–1766, and 3 bundles of scattering deeds, 1714–1776. There is also a loose volume of proprietors' records, 1702–1703. In the city clerk's office are two volumes of transcripts, one made in 1857 and the other copied from the earlier one in 1885, but with the addition of being in typewritten form and having an index of names. These include a transcript of the proprietors' records, 1638–1644, births, marriages, and deaths of Friends, 1638–1719, records of the proprietors of Long Wharf, 1739–1855, records of towns commons and of the proprietors, 1702–1757. There are also 3 volumes lettered "R. I. Colonial Records," which are transcripts of the Newport deeds from the first three volumes of land evidence in the office of the secretary of State. The regular series of land evidence in the possession of the city begins with 1780 and runs to date in 83 volumes. The first volume is called "Book of Land Evidence, No. 1, after the Evacuation of the British Forces." The index to grantors and grantees is in separate volumes and there are 8 volumes of reception books for conveyances, 1857 to date. Mortgages of land evidence run from 1855 to date, vol. 1–41, and are provided with a card index. Mortgages of personal property run from 1834 to date, vol. 1–9, and are provided with a card index. There is a volume of deeds of Island Cemetery, 1840–1842, and one of deeds of City Cemetery, 1866 to date. Plats are rolled and are indexed only in the index of land evidence. There are 3 volumes of plats of street numbers, and a card index to the layout of streets. An old plat of the town drawn in 1713 is framed and hung in the clerk's office.

Vital records: In the present custody of the Newport Historical Society are two bundles of the original records of births, marriages, and deaths, which run from 1666 to 1774, and from which the volume of copies of births, marriages, and deaths in the city clerk's office was made. In the latter's office are 2 volumes of vital records from 1747 to 1850. From 1850 to date there are 3 volumes each of births, of marriages, and of deaths, with a separate volume of index for each. Intentions of marriage run from 1881 to 1896, in 2 volumes, and intentions and returns of marriage run from 1896 to date in 4 volumes. Birth, marriages, and deaths from 1878 to date are filed in tin boxes, one box for each year. The records as far as the year 1850 are printed in vol. 4 of Arnold's Vital Record of Rhode Island.

Assessors' records: In the assessors' office in the city hall are 6 volumes of assessors' plats (ledgers), 1 volume of index of names, 1 volume of index of plats, and the assessor's plats mounted on 44 folio cards. The original

tax books from 1781 to date are nearly all, if not all, preserved in the city clerk's office. Before 1827 they are in paper covers, and since that date in bound volumes of varying size and thickness. The registry tax books from 1845 to date are in 59 volumes, several from 1845 to 1879 being in the storage vault in the basement of the city hall. The poll-tax books from 1889 to date are in 15 volumes. The tax books have been printed in 1832, 1841, 1849, 1850, and 1852 to date. From 1865 to date they are included in the annual volumes of city documents.

School reports have been printed from 1854 to date.

Miscellaneous records:

Town laws, 1779–1807, 1 vol.

Certificates of legal inhabitance, 1780–1840, 1 vol. (In the town records at present in the custody of the Newport Historical Society is a loose volume labeled certificates of residence, 1737–1776.)

By-laws Engine Company No. 2, 1812–1841, 1 vol. (paper).

Roll of Aquidneck Engine Company, 1863–1873, 1 vol. (paper).

Record of funds (Freebody fund 1813, Touro fund 1855–1864, Elam Infirmary fund 1815–1850, Fry Orphan fund 1859) 1 vol.

Records of Touro street fund, 1823–1857, 1 vol.

Census of 1820, 1 vol.

Census of 1875, 1 vol.

Census of 1880, 1 vol.

Records of the board of health, 1819–1853, 1 vol.

Record of attachments, 1821 to date, 2 vols.

Records of the Newport Asylum, 1820–1899. (These consist of journals, ledgers, lists of inmates, minutes of overseers, etc., and are partly in the city clerk's vault and partly in the storage vault in the basement. There are also several volumes in the loft of the street commissioner's office on Long Wharf. There are nearly 50 volumes in all.)

Registry book. Most of the registry books from 1843 to 1877 are in either the city clerk's vault or the basement vault. From 1877 to date they are in 6 volumes.

Militia lists, from 1844 to 1885, are in both vaults in the city hall.

Vaccination book, 1845, 1850, 1855, 3 vols. (paper); 1883, 2 vols.

Mechanics' liens, 1847 to date, 1 vol.

Certificates of manufacturing corporations, 1853 to date, 1 vol.

Records of committees, 1853–1867, 1 vol.; 1875–1902, 33 vols.

Assignments, leases, bills of sale, etc., 1857 to date, 4 vols.

Records of Coggeshall poor fund, 1865–1867, ledger, 1868–1877, order book, 1878–1881, 3 vols.

Record of burials in city cemetery, 1866–1879, 1 vol.

Records of ballots, 1887 to date, 10 vols. (2 for each ward).

Enrollment of males above 20 years of age, 1889, 1 vol.

Ordinance revising the ordinances, August 5, 1890, 1 vol. (paper).

Record of jurors, 1893 to date.

Record of itinerant venders, 1894–1896, 1 vol.

Notices of pending suits, 1894 to date, 1 vol.

Miscellaneous records—Continued.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Militia enrollment, 1898, 1 vol.
Minute-books, or blotters, of town meetings and town council.
Treasurers' records (in boxes in basement vault).

The following offices are also in the city hall and possess the currently kept records of their respective departments: Overseers of the poor, school committee, city treasurer, board of health, street commissioners, park commission, sealer of weights and measures, inspector of milk and nuisances, inspector of plumbing, inspector of kerosene.

NORTH KINGSTOWN.

North Kingstown was incorporated October 28, 1674, under the name of King's Towne. The name was changed to Rochester in 1686, but was restored in 1689. Kingstown was divided into North Kingstown and South Kingstown in February, 1723, the act providing that North Kingstown should be the older town. Exeter was separated from North Kingstown in 1743.

Population: 1,200 (1708), 2,472 (1774), 2,328 (1782), 2,794 (1800), 2,971 (1850), 4,194 (1900).

Town meeting for election of officers held on the first Tuesday in June and for appropriations on the third Tuesday in May. Town council and probate court meet on the second Monday of each month.

Town hall is at Wickford.

RECORDS.

[NOTE.—A bad fire in the town clerk's office, December 16, 1870, greatly damaged the records, nearly all of which, however, have since been repaired and preserved by the Emery process.]

Town meeting records are in 5 volumes, 1696 to date. The first 4 volumes are preserved by the Emery process. Vol. 1, 1696–1780, apparently contains no record of meetings between 1707 and 1720, and the records previous to 1696 either were not kept or have not been preserved.

Town council records are kept in the probate volumes.

Probate records, including town council records, wills and inventories, etc., run from 1692 to date in 41 volumes, the first volume being lettered vol. 1–5 and the last vol. 45. The volumes before 1870 are preserved by the Emery process. There are also 2 volumes of probate bonds, 1873 to

date, 1 separate volume of probate index, and a probate docket. The records between 1674 and 1692 do not seem to have been preserved. On the fly leaf of the first volume of probate records is the contemporaneous marking "Book 6," giving evidence of the existence of earlier volumes. Such probate records before 1723 as affected South Kingstown lands were transcribed in 1723 from the Kingstown volumes and are now in the office at Wakefield.

Deeds: Land evidence, 1686 to date, is in 69 volumes. These are lettered, however, vol. 1–45, since most of the volumes before 1870 have been rebound by the Emery process in two volumes. Many early deeds can be found in the Fones Record, or the records of the Narragansett Proprietors, 1659–1703, published by J. N. Arnold in 1894, the original of which is in the secretary of state's office. There are 2 volumes of mortgages of personal estate, 1870 to date, and one volume containing a few deeds rerecorded 1870–1872. There is a separate volume of index to the deeds, and all deeds and mortgages from 1871 to date are indexed by the card system. Plats are rolled.

Vital records from 1700 to 1850 and from 1740 to 1812 are in 2 volumes, and there is a volume of births, of marriages, and of deaths, 1850–1870. All these have been repaired by the Emery process. A few births and marriages, recorded in 1707–1709, are in town meeting records, vol. 1. Such vital records from 1678 to 1722 as related to South Kingstown people were transcribed in 1723 for the South Kingstown records and are now in the office at Wakefield, These more properly should be mentioned in connection with North Kingstown records. From 1871 to date there is a volume each of births, of marriages, and of deaths. There is a volume of intentions and returns of marriage, 1899 to date. The vital records to 1850 have been printed in Arnold's Vital Record of Rhode Island, vol. 5.

Assessors' records: Tax assessment records, 1882 to date, are in 7 volumes. Registry taxes received, 1877–1888, are in 1 volume. The tax books have apparently been printed from 1855 to date, although those for 1856–1860, 1862–1864, 1866–1867, do not seem to be in any collection.

School reports from 1870 to date have been printed.

Miscellaneous records:

Record of mechanics' liens and statements of corporations, 1874 to date, 1 vol.

Registry book, 1877 to date, 2 vols.

Assignment of wages, 1884 to date, 1 vol.

Dog licenses, 1889 to date, 1 vol.

Peddler's licenses, 1901 to date, 1 vol.

Jury lists, 1893 to date, 2 vols.

Medical register, 1895 to date, 1 vol.

Register of clergymen, 1896 to date, 1 vol.

Record of writs, 1896 to date, 1 vol.

By-laws and acts relative to highways, 1858, 16 pages (printed).

Miscellaneous pages of records. This is a volume made up of stray pages rescued from the fire of 1870 and containing land evidence, highway layouts, earmarks, etc., 1696, 1756–1856, scattered.

The records are kept in a good sized vault in the town hall at Wickford. The town has wisely spent about $2,000 in preserving by the Emery process the records burned in the fire of 1870.

NORTH PROVIDENCE.

North Providence was taken from Providence and incorporated June 13, 1765. Portions were reunited to Providence June 29, 1767, and March 28, 1873. On March 27, 1874, the town was divided, a portion was annexed to Providence, another part was annexed to Pawtucket, and the remainder, still called North Providence, was left the smallest in area of any town in the State.

Population: 830 (1774), 698 (1782), 1,067 (1800), 7,680 (1850), 20,495 (1870), 1,303 (1875), 3,016 (1900).

Town meeting for election of officers held on the Tuesday next after the first Monday in November, and for appropriations on the last Saturday in March. Town council meets on the first Monday of each month, and probate court meets on the first and third Wednesdays of each month.

Town hall is at Centredale.

RECORDS.

[NOTE.—The records from 1765 to 1874 are in the city hall at Pawtucket, *q. v.*]

Town meeting records, 1874 to date, 1 vol.

Town council records, 1874 to date, 5 vols.

Probate records, 1874 to date, 4 vols.; probate bond book, 1874 to date, 2 vols.; probate docket, 1 vol.

Deeds: Land evidence, 1854–1874, 3 vols., has been transcribed from the old records now at Pawtucket. Deed books run from 1874 to date, vols. 1–10. Personal property mortgages run from 1875 to date, vols. 1–3. There is a receiving book for conveyances. Plats are rolled.

Vital records: There is one volume each of births, of marriages, and of deaths, 1874 to date. Intentions of marriage run from 1881–1896, 2 vols., and intentions and returns of marriage from 1896 to date, 2 vols.

Assessors' records are in 30 volumes, 1874 to date. Tax books have been annually printed from 1874 to date. The tax books of the old town were printed in 1842 and from 1853 to 1874.

School reports have been annually printed from 1847 to date.

Miscellaneous records:

Enrollment of militia, 1874–1885, 1 vol. (also includes jurors' list, 1893 to date).

Book of attachments (includes mechanics' liens), 1874 to date, 1 vol.

Enrollment of males above 20 years of age, 1889, sheets.

Assignment of wages, 1893 to date, 1 vol.

Medical register, 1895 to date, 1 vol.

Miscellaneous records—Continued.
Register of clergymen, 1896 to date, 1 vol.
Enrollment of militia, 1898, sheets.
Dog licenses and liquor licenses kept in stub volumes.

The records are kept in safes in the townhouse at Centredale. They are in good condition, but are provided with no separate volumes of indexes.

NORTH SMITHFIELD.

North Smithfield was taken from Smithfield and incorporated as the town of Slater March 8, 1871. The name was changed to North Smithfield March 24, 1871.

Population: 3,088 (1880), 3,173 (1890), 2,422 (1900).

Town meeting for elections held on the first Monday in June, and for appropriations on the second Monday in June. Town council and probate court meet on the last Saturday of each month.

Town clerk's office is in Slatersville.

RECORDS.

Town meeting records are in 1 volume, 1871 to date.
Town council records are in 3 volumes, 1871 to date.
Probate records are in 3 volumes, 1871 to date, and are indexed. There is 1 volume of records of probate bonds, 1898 to date.
Deeds: There are 6 volumes of transcripts of Smithfield deeds and 1 of mortgages, from 1850 to 1871. These are followed by 12 volumes, 7 of deeds and 5 of mortgages—covering from 1871 to date, but lettered on the back vols. 4 to 15. These are indexed.
Vital records include 1 volume of births, 1 of marriages, and 1 of deaths, from 1871 to date. There are also 2 volumes of intentions and returns of marriages, 1896 to date.
Assessors' records are in 4 volumes, lettered town tax, 1871 to date. The tax books have been printed annually, 1871 to date.
School records: The annual reports of the school committee have been printed from 1872 to date.
Miscellaneous records:
Dog register, 1871 to date, 3 vols.
Militia roll, 1871–1882, 1 vol.
Registry book, 1871 to date, 3 vols.
Record of attachments, 1872 to date, 1 vol.
Census of North Smithfield, 1880, unbound vol.
Chattel mortgages and bills of sale, 1881 to date, 1 vol.
Assignment of wages, 1882 to date, 2 vols.
Register of clergymen, 1896 to date, 1 vol.
Medical register, 1896 to date, 1 vol.
Several loose plats, rolled up.

The records are kept in two large safes in the town clerk's office at Slatersville and are in good condition.

PAWTUCKET.

Pawtucket comprises, first, the Massachusetts town of Pawtucket, which was separated from Seekonk in 1828, ceded to Rhode Island in 1862, and incorporated as a Rhode Island town March 1, 1862; and, secondly, the village of Pawtucket in North Providence, which was annexed to the town of Pawtucket May 1, 1874. The town was incorporated as a city March 27, 1885.

Population: 5,000 (1865), 18,464 (1875), 39,231 (1900).

Municipal election held on the Tuesday next after the first Monday in November. Board of aldermen meet on the first and third Wednesdays of each month. Common council meets on the second Wednesday after the first Saturday of each month. Probate court meets every Wednesday.

City hall is on High street, Pawtucket.

RECORDS.

[NOTE.—The office possesses all the records of North Providence from the date of the incorporation of the town in 1765 to 1874, Pawtucket town meeting and vital records from 1828 to 1862, and all Pawtucket records from 1862 to date. Pawtucket (Mass.) land evidence and probate records from 1828 to 1862, according to the Massachusetts system, are at Taunton, the shire town of Bristol County.]

Town meeting records of North Providence, 1765–1874, 3 vols.; of Pawtucket, 1828–1886, 3 vols.

Town council records: North Providence town council and probate records, 1765–1855, 11 vols.; town council records, 1855–1874, 3 vols., with general index in 1 vol.; Pawtucket town council records, 1862–1886, 5 vols.; Pawtucket selectmen records, 1850–1861, 2 vols.

City council records: Pawtucket board of aldermen records, 1886–1901, 12 vols.; common council records, 1886–1901, 2 vols.; records of common council and board of aldermen, 1901 to date, 3 vols. General card index to all of these volumes, which answers also for files of original papers.

Probate records of North Providence, 1765–1855, in North Providence town council records. North Providence and Pawtucket probate records (North Providence, 1855–1874, Pawtucket, 1862 to date), 50 vols. General card index to probate records, which is also an index to files of original papers. Also separate volume of probate index. Probate docket, 2 vols. (partially replaced by card index). Card index of devisees, 1765 to date, arranged in strictly alphabetical order under names of devisees, giving name of testator, book and page where original will is recorded, date when will is admitted to probate, and number of case where original will is filed.

Deeds: North Providence land evidence, 1765–1874, 70 vols. Typewritten alphabetical index in 4 vols. (There are transcripts of the North Providence records for the portion of the town annexed to Providence in the

Providence deed office.) Transcript from Bristol County records of land evidence for Pawtucket, Mass., 1828–1862, 12 vols. Typewritten index, 1 vol. Pawtucket land evidence, 1862 to date, 103 vols. Typewritten index, 6 vols. Receiving book for deeds is kept.

Record of plats for land evidence for North Providence and Pawtucket on cards. Separate written index and separate card index. There are six volumes of the records of streets compiled from town council and town meeting records, and a card index of all streets showing current and obsolete names with record of all changes.

Oak Grove or North Bend Cemetery, burial lot deeds, 1852 to date, 5 vols.; general card index. Mineral Spring Cemetery burial lot deeds, 1842 to date, 3 vols.; index to each volume.

North Providence personal property mortgages 1765–1874, 6 vols. Pawtucket personal property mortgages, 1862 to date, 18 vols.; general index in 1 volume.

Vital records of North Providence are as follows: Births, marriages, and deaths, 1765–1851, 1 vol.; marriages, 1850–1871, 1 vol.; deaths, 1872–1873, 1 vol. The North Providence records as far as 1850 have been printed in volume 2 of Arnold's Vital Record of Rhode Island. The Pawtucket records are as follows: Births, marriages, and deaths, 1844–1854, 1 vol.; marriages and births, 1828–1852, 1 vol.; births, 1855 to date, 3 vols.; marriages, 1852 to date, 4 vols ; deaths, 1860 to date, 3 vols. There is a general typewritten index to marriages in 1 volume. Separate indexes to births and deaths are in preparation. The North Providence records from 1765 to 1850 have been printed in volume 2 of Arnold's Vital Record of Rhode Island. The records of Pawtucket (Mass.), from 1828 to 1843 have been printed in volume 10, and from 1843 to 1862 in volume 9 of Arnold's Vital Record of Rhode Island. Intentions of marriage run from 1889 to 1896 in 2 vols., and from 1896 to date in 8 vols.

Assessors' records: The tax books of North Providence, 1765–1874, and of Pawtucket, 1828 to date, are slightly incomplete in the earlier years. There are 4 volumes of North Providence assessors' books (A to Y) and several volumes of registry tax books. The tax book has been annually printed from 1868 to date.

School reports have been printed annually from 1869 to date. Pawtucket (Mass.) school reports were also printed prior to 1862.

Miscellaneous records:

Treasurer's book, North Providence, 1823–1858, 1 vol.
Town orders to treasurer, Pawtucket, 1828–1858, 1 vol.
Mineral Spring Turnpike Corporation book, 1832–1860, 1 vol.
Liens, North Providence, 1847–1874, 2 vols.
Militia lists, North Providence, 1854–1873, 3 vols.
Registry book, North Providence, 1855–1873, 1 vol.
Liens, Pawtucket, 1857 to date, 2 vols.
Census of North Providence, 1865, unbound.
Pawtucket library association treasurer's book, 1866–1876, 1 vol.
Record of attachments, Pawtucket, 1862 to date, 1 vol.
Record of attachments, North Providence, 1867 to 1874, 1 vol.
Corporation returns, North Providence, 1862–1874, 1 vol.

Miscellaneous records—Continued.

Corporation returns, Pawtucket, 1868 to date, 1 vol.

Registry book, 1869–1877, 1 vol.; 1877–1895, 1 vol. a year; 1896–1901, 5 vols. a year; 1902 to date, 6 vols. a year.

Census of Pawtucket, 1875, 2 vols.

Curbing account book, 1878–1888, 1 vol.

Assignment of wages, 1884 to date, 8 vols.

Building permits, 1886–1901, 1 vol.

Dog licenses, 1889–1903, 9 vols.

Lists of jurors, 1893 to date, 1 vol.

Medical register, 1895 to date, 1 vol.

Register of clergymen, 1896 to date, 1 vol.

Militia enrollment, 1898, in sheets.

Pending suits, index vol.

Records of licenses of dogs, taverns, pool and billiard rooms, express, junk, entertainment, etc., kept in separate stub volumes.

Card index to voters; different classes of voters on differently colored cards.

The records are all in fireproof rooms in the city hall. The city clerk's office is one of the model offices of the State, especially as regards indexing and accessibility of current records.

PORTSMOUTH.

Portsmouth, one of the four original towns, was settled in 1638.

Population: 628 (1708), 1,512 (1774), 1,351 (1782), 1,684 (1800), 1,833 (1850), 2,105 (1900).

Town meeting for election of officers held on the first Tuesday in November and for appropriations on the first Wednesday in May. Town council and probate court meet on the second Monday of each month.

Town clerk's office is in the southern part of the town.

RECORDS.

Town meeting records. The records of 1638–39 are in the volume of early Newport records in the statehouse and have been printed in Rhode Island Colonial Records, volume 1, pages 45–69. The town meeting records from 1639 to 1697 are in the first book of records, which also contains town council records, probate records, land evidence, vital records, earmarks, etc. This volume was printed by the State in 1901 and in its printed form is provided with a complete index. There is also a transcript, from which the records from 1639 to 1647 were printed in Rhode Island Colonial Records, volume 1, pages 70–85. Town meeting records from 1697 to date are in 4 volumes.

Town council records as far as 1698 are in the first book of records, mentioned above. From 1698 to date they are in a series numbered volumes 2–13.

Probate records as far as 1834 are included in the first book of records mentioned above, and in the town council records. From 1834 to date they are in a series numbered volumes 2–9. There are also the following volumes: Bond book, 1844–1886, 1 volume; administrative bonds, 1869 to date, 3 volumes; bonds for sale of real estate, 1838 to date, 3 volumes; executors bonds for sale of real estate, 1869–1890, 2 volumes; executors bonds to return inventory, 1869 to date, 2 volumes; guardianship bonds, 1879 to date, 1 volume; probate docket, 1 volume.

Deeds: Land evidence from 1639 to 1660 was recorded in the first book of records mentioned above. (See printed volume, p. 94.) From 1660 to date the deeds and mortgages are in 23 volumes, although the first volume includes a few deeds as early as 1642. Personal property mortgages are in a book called bill of sale book. Plats are rolled.

Vital records were recorded until 1684 in the first book of records mentioned above. (See printed volume, p. 221.) From 1684 to 1850 they are in 4 volumes; from 1850 to date there is 1 volume each of births, of marriages, and of deaths. Intentions of marriages from 1881 to date are in 3 volumes. The records as far as 1850 are printed in Arnold's Vital Record of Rhode Island, volume 4.

Assessors' records: The original tax books of only the last few years seem to be in the office. It is said that the books from about 1850 to about 1880 were destroyed at the time of the removal to the present town building two years ago. Tax books have been annually printed from 1870 to date, being included, however, since 1897 in a pamphlet of annual reports.

School reports have been printed in 1857 and from 1870 to date.

Miscellaneous records:

Registry book, 1842–1876, 1877 to date, 3 volumes.
Jury book, 1893 to date, 1 volume.
Medical register, 1895 to date, 1 volume.
Register of clergymen, 1896 to date, 1 volume.
Dog licenses, —— to date, 1 volume.
There is a chest of old documents, such as petitions, warrants, receipts, etc.

The records are kept in the town clerk's office at Portsmouth, which has a fireproof vault. They are in excellent condition, but need indexing.

PROVIDENCE.

Providence, one of the four original towns, was settled in 1636. It originally comprised the whole of Providence County. Glocester, Scituate, and Smithfield were taken from it in 1731, Cranston in 1754, Johnston in 1759, and North

Providence in 1765. Portions of North Providence were annexed to Providence in 1767, 1873, and 1874, portions of Cranston were annexed in 1868, 1873, and 1892, and part of Johnston was annexed in 1898. Providence was incorporated as a city November 5, 1831, which act went into effect in June, 1832.

Population: 1,446 (1708), 4,321 (1774), 4,312 (1782), 7,614 (1800), 41,513 (1850), 175,597 (1900).

Municipal election held on the Tuesday next after the first Monday in November. The board of aldermen meets generally on every Thursday, and the common council meets on every Monday.

The city hall, which contains nearly all of the municipal offices, fronts on Exchange place.

RECORDS.

CITY CLERK'S OFFICE:

Town meeting records from 1637 to 1675 are in 3 volumes in the custody of the recorder of deeds. (See the account of the archives of his office.) Town meeting records from 1676 to 1691 are in the volume called "town meetings, No. 3, 1677–1750," which contains also vital records, records of earmarks, etc., from 1677 to 1750, and which has been printed as volumes 8 and 9 of the "Early Records of Providence." This is followed by town meetings, No. 1, 1692–1715 (printed as volume 11 of the Early Records). Town meetings, No. 2, 1716–1725 (printed as volume 13 of the Early Records), and town meetings, No. 4–10, 1725–1832. There are also 7 volumes of town meeting minutes or "Blotters," 1800–1831.

Town council records from 1678 to 1686 are recorded in the first volume of probate records. (See the account of the records of the municipal court.) The regular series of town council records runs from 1692 to 1832, volumes 1–12. The first volume, 1692–1714, is printed as volume 10 of the Early Records and the second volume, 1715–1732, as volume 12 of the Early Records. There are also 21 volumes of town council minutes or "Blotters," 1799–1832. Town council account books, 1821–1849, and a package of town council papers, 1777–1800.

City council records, 1832–1900, volumes 1–21. Journal of city council and board of aldermen, 1832 to date, volumes 1–35. Board of aldermen, 1832–1902, volumes 1–23. Rules and regulations, board of aldermen, 1879 to date, 1 volume. Common council records, 1832 to date, volumes 1–32.

Miscellaneous records:

Board of health record, 1821–1832, 1832–1856, 2 vols.; 1885 to date (removal of nuisances), 5 vols.; 1885 to date (remedy of uncleanliness, etc.), 1 vol.; 1895 to date (drainage), 4 vols.; 1875 to date (orders to fill cesspools, etc.), 1 vol.; board of health journal, 1884–1894, 2 vols.

City Clerk's Office—Continued.

Miscellaneous records—Continued.

Bonds: Water, town of Johnston, fire, highways, Weybosset bridge, sewer, water and sewer, school, water refunding, park, Davis estate, city hall, public improvement, Johnston annexation, Providence and Springfield Railroad, 56 vols.

Census, town of Providence, 1825, 1 vol.; 1835, 1 vol.; enrollment of males over 20 years of age, 1889, 10 vols.

City hall commission, ledger A, 1874–1878, 1 vol.; ledger, 1875–1879, 1 vol.; journal A, 1875–1879, 1 vol.; records of furniture, 1877–1879, 1 vol.; records, 1874–1879, 2 vols.

Committee on printing, record of, 1871 to date, 2 vols.

Committee on streets, record of, 1885 to date, 3 vols.

Committee on milk, record of, 1898 to date, 1 vol,

Committee on constables, record of, 1898 to date, 1 vol.

Committee on auctioneers, record of, 1898 to date, 1 vol.

Committee on bridges, record of, 1898 to date, 1 vol.

Committee on shows, record of, 1898 to date, 1 vol.

Committee on police, record of, 1898 to date, 1 vol.

Committee on health department, record of, 1898 to date, 1 vol.

Committee on hackney carriages, record of, 1898 to date, 1 vol.

Committee on damages under dog law, record of, 1898 to date, 1 vol.

Dexter Asylum, record of meetings at, 1828–1857, 1 vol.; records, 1828 to date, 4 vols.

Dexter Asylum donation, town meeting, 1832 to date, 3 vols.

Elections, record of, 1887–1890, 10 vols.; 1891 to date, 91 vols.

Johnston records—

Town meeting records, 1796–1898, 2 vols. There are also several volumes of town meeting minute books, but the volume containing the town meeting records from 1759–1796 can not be found at the present writing.

Town council records, 1834–1898, 5 vols. From 1759–1834 the town council records are in the volumes of probate records in the office of the municipal court. There are also several volumes of town council minute books.

Town ordinances, 1872–1898, 1 vol.

Records of town elections, 1896–1898, 2 vols.

Layout of streets, 1880–1900, 1 vol.

Medical register, 1895–1896, 1 vol.

School journal, 1863–1889, 1 vol.

School ledgers, 1883–1891, 5 vols.

Package of school papers from establishment of schools till 1811.

Miscellaneous papers relating to the town of Johnston, chiefly of the early nineteenth century (in boxes on the fourth floor of the city hall).

Letter book of city clerk, 1829–1859, 1 vol.; 1871 to date, 8 vols.

City Clerk's Office—Continued.
Miscellaneous records—Continued.
Licenses—
Fees received by city clerk, 1859–1860, 2 vols.
Drivers' licenses, 1860–1868, 2 vol.
Wagon licenses, 1860–1868, 2 vols.
Dog licenses, 1864–1869, 1 vol.
Liquor licenses, 1868–1874, 2 vols.
Licenses for powder, junk, taverns, etc., 1871–1880, 2 vols.
Licenses for gunpowder, junk, oyster houses, pawnbrokers, taverns, victualing houses, swine, 1886–1900.
Junk licenses, 1891–1899, 1 vol.
Cash licenses, 1891 to date, 3 vols.
Licenses for fireworks, vehicles, undertakers' commissioners, 1900 to date. Each class of licenses kept in separate volume. Volumes numbered 1, 7, 22–28.
Militia—
List of enrolled militia, 1860–1865, 1 vol.; 1869–1871, 4 vols.; 1875, 1 vol.; 1880, 1 vol.
United States military enrollment, 1863, 1 vol.
Overseers of the poor, records of, 1769–1827, 2 vols.
Reform school cash book, ledger, payments, journal, 1876–1880, 4 vols.
Streets and street plats—
Original street plats, 9 vols. (These are being copied and reduced to a more uniform and convenient size. Of these new volumes of copied plats there are 29 vols.).
Original plats of streets, highways and lands in the town of Providence, 1 vol.
Plats of streets and highways in the town of Providence, 2 vols. (These are copies of the original plats of the volume listed above. An index of these copies has been printed in the fourth report of the record commissioners).
Miscellaneous street maps, A–E, 5 vols.
Street plats, Tenth Ward, 1 vol.
Plats and profiles on Smith's Hill, 1 vol.
Plats of the town of Providence, 1825, 1 vol.
Plat of streets, No. 7, 1 vol.
List of plats in town clerk's office, 1713–1801, 1 vol.
Index to street maps, 1761–1880, 1 vol. (Printed in 1880, city documents, 1880, No. 22.)
Index to streets, 1761 to date, 1 vol. (A printed index, 1761–1901, was issued in 1901.)
Street records, 1636–1831, 10 vols. (A record of everything pertaining to streets, highways, bridges, and public lands from 1636 to 1832, compiled and copied by Emily E. Potter; indexed.)

City Clerk's Office—Continued.
Miscellaneous records—Continued.
Streets and street plats—Continued.
Street records, papers, and documents, 1714–1832, 2 vols. (Loose papers and copies of originals, prepared in 1872.)
Records of streets, 1822 to date, 12 vols.
Record of streets in Ninth Ward, to 1868, 1 vol.
Street courses, 1771–1826, 1 vol.
Record of street grades, 1844–1851, 1 vol.
Grade plans, 1879–1885, 4 vols.
Taxes—
Estates sold for taxes, 1859 to date, 4 vols.
Estates sold for sewer taxes, 1881 to date, 1 vol.
Registry tax, 1885–1889, 14 vols.
Firewardens' records, 1805–1852, 1 vol.
Record of moneys received by town council for fines, 1806–1852, 1 vol.
Record of town meeting, September 25, 1831, for promotion of the peace of the town and the safety of the inhabitants, 1 vol.
Limited partnerships and corporations, 1837 to date, 5 vols.
City ordinances, 1845 to date, 10 vols.
City clerks' fees, 1848–1853, 1 vol.
Register of city debt, 1854 to date, 3 vols.
Inspection of steam boilers, 1857–1862, 4 vols.
Cash books, 1866 to date, 5 vols.
Returns and record of lumber surveyed, 1870–1879, 2 vols.
Records of commissioners of cove lands, 1871–1876, 1 vol.
Approved bills, 1875–1879, 1 vol.
Investigation of electric-light system, 1878, 1 vol.
Investigation of superintendent of lights, 1879, 1 vol.
Police investigation, 1879, 1 vol.
Registry voters, 1888, 1 vol.
List of jurors, 1893 to date, 2 vols.

For the series of Providence town papers and for other miscellaneous volumes, see the account of the papers in the custody of the city record commission.

MUNICIPAL COURT RECORDS.

(PROBATE RECORDS.)

[Note.—While Providence existed as a town, all probate powers were vested in the town council and the clerk of the council was ex-officio recorder of wills. The city charter, which went into effect in 1832, provided for a municipal court having cognizance of all probate matters.]

The earliest book of probate records of the town of Providence has undoubtedly been lost. "A small paper book containing the enrollments of wills" was listed in an account of the records in 1677, but disappeared before 1755. (Second report, Rec. Comm. p. 24.) There are a few wills previous to 1675 recorded in town meeting records and in the volumes in

which deeds were recorded. The first volume of probate and town council records runs from 1678 to 1715, printed as vols. 6 and 7 of the Early Records of Providence. Vol. 2 of probate records, labeled wills, etc., runs from 1716 to 1729, printed as vol. 16 of the Early Records. This is followed by the regular series, vols. 3–41, 1729–1899. There are also the following series, kept separately:

Inventories, 1819–1899, vols. 1–30.

Administration accounts, 1821–1899, vols. 1–30.

Commissioner's reports, 1821–1898, vols. 1–5.

Divisions of real estate, assignments of dower, etc., 1835–1899, 1 vol.

Guardians accounts, 1839–1899, vols. 1–14.

Bond books, 1872–1899, vols. 1–41.

Probate letters, 1874–1898, vols. 1–13.

Record of discharged claims against executors, etc., 1896–1899, 1 vol.

Decrees for sale of real estate, administration, 1898–99, 1 vol.

Decrees for sale of real estate, guardianship, 1898–99, 1 vol.

Johnston probate records, 1759–1898, vols. 1–22 (comprises wills, inventories, probate proceedings, town council records, letters, bonds, etc. Town council records from 1772 to 1852 constitute vols. 2, 3, and 5).

Probate proceedings, 1798 to date, vols. 1–82 (since 1899 all probate records—wills, inventories, accounts, bonds, letters, etc.—are entered in the series labelled probate proceedings).

Probate docket, 1646 to date, 31 vols.

Johnston probate docket, 1896–1898, 1 vol.

Index to probate proceedings, 1646–1899 (printed). This is an index to the probate dockets as far as 1899, which include reference to all probate proceedings in the municipal court, in the town council records in the city clerk's office, in the recorder of deeds' office, in the papers of the record commissioners, and in the Johnston probate records. There is a card index to all probate proceedings, 1900 to date.

RECORD COMMISSIONER.

The series of Providence town papers, within the last few years gathered and bound under the supervision of the record commissioners, are in the custody of the record commissioner, who is also clerk of the municipal court. They are described in detail in the fourth and fifth reports of the record commissioners. A brief account of them follows:

Providence town papers, 1639–1823, vols. 1–5, Nos. 01–01369. The documents numbered 01 to 0717, from 1639 to 1722, are printed as vols. 15 and 17 of the Early Records. There is a separate volume of index of names, and a subject index of the series is printed in the fifth report of the record commissioners.

Providence town papers, 1642–1799, vols. 1–39, Nos. 1–18069. (Vol. 33 includes the Bowen Papers, 1745–1772; vol. 34 includes the Bowen Papers, 1772–1807, and the Guild Papers, 1685–1722; vols. 35 and 36 include the Guild Papers, 1722–1828; vol. 39 A and B include the Fenner Papers,

1640–1766; vols. 39 C and D include the Fenner, Bates, and Olney Papers, (1641–1815.) There is a separate index of names, indexing all documents in vols. 1–39, dated before 1790. There is a separate name Index of the Fenner Papers, vols. 39A–39C. A subject index is printed in the fourth report of the record commissioners indexing all documents in vols. 1 to 39 that are dated before 1790. This series is continued by vols. 40–155, Nos. 001–0064170.

The following volumes have also been bound and preserved by the record commissioners:

List of voters, October 11, 1824, 1 vol.
Record of fire buckets, 1811–1828, 4 vols.
Paper money bank mortgages, 1715–1786, 8 vols. (indexed in fourth report of record commissioners, p. 175).
Rules and orders for the management of the workhouse.

RECORDER OF DEEDS.

[NOTE.—The office of recorder of deeds was established in 1866. Previous to this date the volumes of deeds were in the custody of the city clerk.]

During the earliest period of the town's existence deeds were recorded in three general record books, a description of which follows:

First book, town of Providence (also called the "Long Old Book," with parchment cover) contains deeds, 1641–1683; town meeting records, 1637–38; vital records, 1633–1658, etc. This volume has been printed as vol. 1 of the Early Records of Providence. A transcript of the volume was made in 1800, which has been made use of by the record commissioners, since it supplies some few defects in the volume in its present condition.

Second book of the town of Providence (also called the "Town Old Book," "Short Old Book," "Old Burnt Book," etc.) contains deeds, 1643–1662, town meeting records, 1642–1661, and a few records of births, indentures, etc. The volume is somewhat mutilated and a few pages are known to have been lost. A transcript of it was made in 1800. It has been printed as vol. 2 of the Early Records.

Third book, town of Providence (also called the "Book with the Brass Clasps," etc.), contains deeds, 1657–1705; town meeting records, 1661–1675; vital records, 1646–1721, earmarks, etc. It was transcribed in 1800, and has lately been bound up in 2 volumes, lettered A and B.

It has been printed as vols. 3, 4, and 5 of the Early Records.

In addition to these three volumes there is in the office a volume lettered "Indian deeds," and containing the original "Towne evidence" and the confirmation deeds of 1659–1662. Framed and under glass are the charter granted by the assembly to the town of Providence, March 14, 1648–1649, and the deed of Roger Williams and his wife, December 20, 1661.

The first volume used solely for deeds runs from 1678 to 1705, and is labeled deed book No. 1. It is printed as vol. 14 of the Early Records. This is followed by vols. 2–461, which brings the series of deed books to date. There are also the following series kept separately:

Mortgage deeds of real estate, 1852 to date, vols. 1–238.

Indexes to deeds are in separate volumes of grantors and grantees. There are separate volumes of indexes of all deeds of Cranston territory entered in Providence records, and also of all deeds in Providence records referring to North Providence territory, 1854–1874.

Mortgage deeds of personal property, 1834 to date, vols. 1–88 (provided with separate volumes of indexes and kept in the basement office).

Mechanics' liens, 1847 to date, 5 vols.

Attachments, 1858 to date, are kept on file, and are provided with separate volumes of indexes.

Record of pending suits, 1893 to date, 1 vol.

North burial ground deeds, 1846 to date, 10 vols., preceded by a register of the burial lots, 1834–1845 (kept in the basement office).

Assignment of wages, 1884 to date, vol. 1–25. Indexed in each volume (kept in the basement office).

Johnston records: Deed books, which include real-estate mortgages, run from 1759 to 1898, vol. 1–66, and are provided with separate indexes of grantors and grantees. Partitions of estates, rights of dower and agreements, 1843–1874, are in 1 volume, and attachments, executions, and mechanics' liens, 1861–1898, are in 3 volumes. In the basement office are personal property mortgages, 1835–1898, vol. 1–8, with index, and assignment of wages, 1885–1898, 2 vols.

Plats are in volumes, numbered from 1 to 28 (also one early volume lettered A), which are kept in the basement office. These plats are copied on large cards, numbered from 1 to 892, which are kept in the deed office. There is a card index, arranged both by names and by streets, to these cards, and also to uncopied plats in the deed books. There is also an index, in 2 volumes, of all the plats, based on a sectional map of the city.

CITY REGISTRAR'S OFFICE.

Record of Marriages and Births, 1633–1853, vol. 1–5 (vol. 5 includes copies of church records, family records, early town records, etc).

Record of Births, 1850–1903, vol. 6–17; also extra vol. A 1 for recording births out of the chronological order.

Record of Marriages, 1850–1903, vol. 6–19; also extra vol. A 2 for recording extra marriages.

Record of Interments of the Dead, 1840–1850, vol. 6–8; Record of Deaths, 1850–1903, vol. 9–21; also extra vol. A 3 for recording extra deaths.

Intentions of Marriages, 1881–1895, 14 vol.

Intentions and Returns of Marriages, 1896–1903, 14 vol.

Index to Intentions, 1882–1890, 3 vol.

The original returns of Births have been preserved from 1880 to date, of Deaths from 1842 to date, and of Marriages from 1847 to date. There

is a card catalogue index of Births, of Marriages and of Deaths from 1891 to date.

All vital records as far as 1850 have been printed in Arnold's *Vital Record of R. I.*, vol. 2. All the records from the beginning to 1890 have been printed in the *Alphabetical Index of the Births, Marriages and Deaths recorded in Providence*, in 10 volumes, vol. 1 to 4 being edited by E. M. Snow and v. 5–10 by C. V. Chapin.

There are the following volumes of Johnston Vital Records in the office:—

Records of Marriages and Births, A, otherwise known as Births and Marriages No. 1, 1759–1843.
Index to above.
Record of Births, 1852–1898, 3 vol.
Record of Marriages, 1850–1898, 1 vol.
Record of Deaths, 1850–1898, 1 vol.

There are the following volumes of miscellaneous records in the office:—

Census of Providence, 1865, 7 vol.
" " " 1874, 1 vol. with Index.
" " " 1875, 10 vol.
U. S. Census, 1880, 7 vol. and 12 vol. of Index.
Militia Enrollment, 1898, 1 vol.

TAX ASSESSORS' OFFICE.

Town Tax Lists, 1705–1789. These volumes are those which were separately bound under the direction of the Record Commissioners and deposited in this office. There is a list of them printed in the 5th Report of the Record Commissioners, pp. 18–21.

Town Tax and Rate Lists, 1787–1831, about 110 original lists in paper covers.

City Tax Lists, 1832–1886, 55 vol.; 1887–1903, 34 vol.
Johnston Tax Books, 1850, 1860, 1863–97, 37 vol.
Poll Tax, 1889–1903, 15 vol.
Johnston Poll Tax, 1889–1897, 9 vol.
Assessors Returns, 1843–1845, 15 vol.
Personal Property Valuation, 1856–1898, 43 vol.
Transfers [of Grantors], 1854–1857, 1 vol.
Transfers of Grantors, 1863–1903, vol. 5–30.
Transfers of Grantees, 1863–1878, vol. 5–11.
Abstracts of Wills, 1870–date, 3 vol.
Real Estate Ledgers (Index of Accounts now arranged by card system)
ser. [A], vol. 1–7, with Index.
ser. [B] vol. 1–6, " "
ser. [C] vol. 1–9, " "
ser. [D] vol. 1–9, " "
ser. E vol. 1–11, " "

Record of Plat Alterations, 1876–1902, vol. 3–9.
Calculations, 1884–1893, vol. 7–8.
Surveyors Record Book, 1871–1904, vol. 3–13.
Ledger Accounts of Bank Stock, 1884–1898, 3 vol. (now carried on by card system).
Plats, 124 folio boards.
Index of Plats, vol. 1–96 (arranged by the numbers of the plats. The Index is now carried on by the card catalogue system, the cards being arranged by the numbers of the plats.)

BOARD OF CANVASSERS AND REGISTRATION.

Registry Book, 1877–1896, 30 vol.; 1896–1904, 346 vol. arranged by wards.
Johnston Registry Book, 1877–1894, 2 vol.
List of Real, Personal and Registry Voters, 1894–1904, 387 vol.
List of Poll Tax, 1885–1888, 22 vol.
Registry Tax (transcribed into district books) 1889–1895, 123 vol.
Records of the Board of Canvassers and Registration, 1895–date, 11 vol.
Records of Municipal Elections, 1896–date, 8 vol.
Appointments of Supervisors of Elections, 1890–1900, 1 vol.
Registry Tax, 1844, 1 vol. (printed forms).
" " 1861, 1 vol. " "
Lists of Voters, 1855, 1 vol. " "
" " " 1845–1847, 1850, 1851, 1858, 1859, 8 vol.

CITY ENGINEER'S OFFICE.

[NOTE.—The office of city engineer was created in 1869. The reports of this department have been printed from 1872 to date. The information as to archives on file in this office has been kindly furnished by Otis F. Clapp, city engineer.]

There are on file in this office about 15,000 maps, plats, plans, drawings, diagrams, etc., all properly classified and indexed.

These include—

A. An atlas of the city of Providence and surrounding territory in 160 loose sheets, showing the location of all water pipes and water fixtures laid in highways; also a duplicate atlas showing water pipes proposed but not yet in place.
Annual progress maps, showing water pipes laid yearly since 1878.
Plans of reservoirs, pumping stations, pumping-engine details, special castings, etc.
B. Plans of all sewers in the city of Providence on a scale of 40 feet per inch.
Topographical maps of the city, scale 200, showing contours for each 10 feet in elevation.
Plans of the improved sewerage system, the Ernest street-pumping station, with detail drawings of the engines, etc., precipitation works and the buildings and tanks connected therewith, tide gates, gate houses, etc.
Sewer district maps showing all finished and contemplated sewers.
An atlas indicating all sewers in the city of Providence.

C. Grade plans and profiles of highways in 17 atlases and loose sheets; in all about 3,300.
Highway construction plans.
Plans of the telephone and electric-light conduits.
Plans accompanying highway specifications.
Street railroad location plans.
Topographical plats of Providence; scale, 80 feet per inch.
Five volumes of grade descriptions and grade changes.

D. Property plats from the record office and elsewhere.
Copies of all maps of the layout of highways within the city limits.
An atlas of the North Burial Ground in 38 loose sheets, showing the exterior boundaries of said ground and the dimensions and area of each of the burial lots therein.
An atlas of the city of Providence, from actual surveys—in about 320 loose sheets, each 34 inches square; scale, $\frac{1}{600}$—showing the location of all public highways by offsets to the buildings thereon, with a key giving the polar coordinates of all angle points and street corners. (In preparation.)
A location index of plats in the office of the recorder of deeds.

E. Plans and detail drawings of all bridges owned by the city of Providence and plans relating to the harbor and dredging of Providence River, tide readings since 1885, etc.

F. Plats of the 500 parcels of real estate owned by the city of Providence, including public parks and squares, school estates, fire and police stations, ward rooms, waterworks property, sewerage property, Dexter donation and miscellaneous property.

Besides the foregoing there are also on file in this office—

Meteorological data from 1881 to 1904, showing daily rainfall, temperature, direction and velocity of the wind, humidity, barometer readings, etc.

Daily water consumption since 1877, engine records, etc.

Field books containing diagrams of all private drains connected with the sewer system, with card index.

About 800 packages of deed abstracts, maps, genealogies, wills, railroad layouts from the court of common pleas, etc., of uniform size, filed for ready reference and classified according to the location of the property involved.

Abstracts of all highway deeds to city of Providence, and deeds of right of way for water pipes and sewers.

An index of all conveyances to and from the city and town of Providence, recorded in Providence, Cranston, Warwick, Lincoln, North Providence, and East Providence, giving date, location of property conveyed, name of grantor and grantee, and book and page of record.

A compilation containing all legislative actions and council resolutions relative to the North Burial Ground from 1700 to 1897, with copies of all existing maps, bound in five type-written volumes.

COMMISSIONER OF PUBLIC WORKS.

In March, 1866, an act was passed providing for the election of a board of three water commissioners, who were elected by the city in September, 1869. In February, 1872, an act was passed providing for the election of a board of three highway commissioners, to supersede the office of the surveyor of highways. In March, 1880, a board of public works, to consist of three persons, was created to supersede to the powers of the water and highway commissioners. In March, 1888, an act was passed abolishing the board of public works and providing for the election of a commissioner of public works.

The reports of the water commissioners were printed quarterly from 1870 to 1876 and annually from 1877 to 1880, also the reports of the water commissioners on sewers from 1873 to 1876. The reports of the highway commissioners were printed both quarterly and annually from 1872 to 1879. The board of public works and the commissioner of public works have printed a quarterly report from 1883 to date.

The records in the department consist of 6 volumes of the records of the water commissioners, board of public works, and commissioner of public works from 1869 to date. There is a card index of water service pipes arranged by streets, one of water accounts arranged by stop numbers, and one of sewer connections.

RICHMOND.

Richmond was taken from Charlestown and incorporated August 18, 1747.

Population: 508 (1748), 1,257 (1774), 1,094 (1782), 1,368 (1800), 1,784 (1850), 1,506 (1900).

Town meeting for election of officers held on the first Tuesday in June, and for appropriations on the Saturday after the first Monday in May. Town council and probate court meet on the first Monday of each month.

Town clerk's office is at Wyoming, in the town clerk's house.

RECORDS.

Town meeting records from 1747 to 1790 are included in the same volumes with land evidence, from 1790 to 1812 were destroyed by fire, and from 1812 to date are in 3 volumes. The volume from 1812 to 1834 includes also vital records, 1812–1852, and earmarks, 1813–1871.

Town council records from 1747 to 1783 are in 2 volumes, and include probate matter. The records from 1783 to 1812 were destroyed by fire, and from 1812 to date are in 14 volumes.

Probate records from 1747 to 1783 and from 1812 to date are contained in the same volumes with town council records, each being begun at opposite ends of the same book. The only indexes are to be found in the respective volumes. There are 2 volumes of probate bonds, 1873 to date, and a probate docket.

Deeds: The early volumes of land evidence include also the town meeting records. Vol. 1, 1747–1758, includes also town meetings, 1747–1762; earmarks, 1747–1789, and vital records, 1747–1805. Vol. 2, 1759–1771, includes also town meetings, 1762–1776. Vol. 3, 1771–1786, includes town meetings, 1776–1790. Vol. 4 has only land evidence, 1786–1798. The records from 1798 to 1812 were destroyed by fire. Vol. 5, 1812–1814, includes also the rerecording of all deeds that could be found bearing date between 1798 and 1812. Vols. 6 to 15 cover the period from 1814 to date. There are two volumes of indexes and a receiving book. Records of personal property, 1839 to date, are in 3 volumes.

Vital records from 1747 to 1805 are in the first volume of land evidence. From 1812 to 1852 they are in the volume of town meetings, 1812–1834. From 1853 to date, births, marriages, and deaths have each a separate volume. The vital records from 1747 to 1850 are printed in vol. 5 of Arnold's Vital Record of Rhode Island.

Assessors' records: Tax lists from 1852 to date are in 5 volumes. Prior to 1852 they are on loose sheets, fastened together. There is one volume of registry tax, 1872–1879, and of highway tax, 1875–1877. The tax books have been printed from 1854 to date, with the exception of the years 1863 and 1864.

School records: The town clerk has a little volume containing a few entries as to the boundaries of school districts. The school reports have been printed probably from 1852 to date.

Miscellaneous records:

Records of board of canvassers, 1852 to date, 1 vol.
By-laws of town, 1856 to date, 1 vol.
Record of highway districts, 1857–1895, 4 vols.
Dog licenses, 1864 to date, 3 vols.
Registry book, 1877 to date, 2 vols.
Jury book, 1893 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.

The records are kept in the house of the town clerk, near the village of Wyoming, most of them being in a large safe. Several volumes of records were stolen and destroyed by fire in June, 1812, an account of which can be found in Rhode Island Historical Society Publications, vol. 1, p. 161.

SCITUATE.

Scituate was taken from Providence and incorporated February 20, 1731. The town was divided and Foster made a separate town in 1781.

Population: 1,232 (1748), 3,601 (1774), 1,635 (1782), 2,523 (1800), 4,582 (1850), 3,361 (1900).

Town meeting for election of officers held on the third Wednesday in May and for appropriations on the first Monday in June. Town council and probate court meet on second Saturday of each month.

Town clerk's office is at South Scituate.

RECORDS.

Town meeting records are in 3 volumes, 1731 to date. Vol. 2, 1787–1824, is made up of the original minutes, which have been recently bound together, but contains no records from 1772 to 1778.

Town council records are in 8 volumes, 1731 to date. The first four volumes, from 1731 to 1819, contain probate records and are so lettered.

Probate records continue the first four volumes of town council records and are lettered vols. 5–13, 1820 to date. There is also a volume of probate bonds, 1879–1903, and a volume of probate docket, 1896 to date.

Deeds are in 39 volumes, 1731 to date. Vol. 1 is lettered record of deeds, births, marriages, and deaths, and contains deeds, 1731–1733, vital records, 1731–1785, earmarks, 1734–1788, and estrays, 1735–1760. Mortgages of personal property are kept in a separate series from 1837 to date, vols. 1–4. Receiving book for deeds is kept. Plats have been bound in 11 large folio volumes, and there are also many loose plats rolled.

Vital records: The first volume, containing the records from 1731 to 1785, is in the series of deeds, as listed above. The second volume runs from 1799 to 1850, with a few earlier entries, containing also the records of the Scituate Fire Engine Company, 1845–1862. Since the year 1850 there is one volume for births, one for marriages, and one for deaths. The records as far as the year 1850 are printed in vol. 3 of Arnold's Vital Record of Rhode Island.

Assessors' records: Tax lists from 1771 to date are in separate volumes of varying size and thickness. The rate lists prior to 1771 are undoubtedly in the bundle of early loose manuscripts. The tax books have been printed from 1859 to date, with the possible exception of 1860–1862, 1864–1866.

School records: In the town clerk's office are bounds of school districts, 1846 to date, and records of school committee, 1858 to date. The school reports have been printed from 1847 to date, although those for 1847–1855 do not seem to be in any set.

Treasurers' records from 1863 to date are in separate volumes in the town clerk's office.

Miscellaneous records:

Justices' docket, 1831, 1 vol.
Justices' court, trial justice, 1873–1886, 5 vols.
Records Scituate asylum of the poor, 1844–1886, 12 vols.
Lists of bounty payments, 1862, 1 vol.
Census for 1865, 1875, 1880, 3 vols.
Writs of attachment, mechanics' liens, etc., 1868 to date, 2 vols.
Militia rolls, 1874–1882, 1 vol.
Bounds of highway districts, 1 vol.
Dog licenses, 1880 to date (on stubs).
Assignment of wages, 1884 to date, 1 vol.
Registry book, 1890 to date, 1 vol.
Jury book, 1893 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Several volumes of voters' lists of the last fifty years.
One bundle of warrants, receipts, petitions, town orders, and miscellaneous papers, chiefly of the eighteenth century.
One bundle of early layouts of highways.

The records are kept in the town house at South Scituate. They are in fair condition and the important records, such as land evidence and probate matter, are well indexed.

SMITHFIELD.

Smithfield was taken from Providence and incorporated February 20, 1731. The town was divided March 8, 1871, into the towns of Smithfield, North Smithfield, and Lincoln, and a small portion was annexed to Woonsocket. Central Falls was taken from Lincoln in 1895 and incorporated as a city. The town records were kept in Lincoln, the most populous town, until 1895. Since that date they have been kept in the office at Central Falls, the most populous of any of the towns within the original Smithfield.

Population: 450 (1748), 2,888 (1774), 2,217 (1782), 3,120 (1800), 11,500 (1850), 12,315 (1865), 2,605 (1871), 2,107 (1900).

Town meeting for election of officers held on the first Monday in June and for appropriations on the second Tuesday in June. Town council and probate court meet on the last Saturday of each month.

Town clerk's office is at Greenville.

RECORDS.

[NOTE.—The records from 1731 to 1871 are in the office at Central Falls, *q. v.*]

Town meeting records from 1871 to date are in 1 volume.
Town council journal from 1871 to date is in 3 volumes.

Probate record runs from 1871 to date, vols. 1–4. There are 2 volumes of probate bonds, 1873 to date, and 1 volume of probate docket, 1896 to date.

Deeds: There are 7 volumes of records of deeds, 1850–1871, lettered A to G, which are transcripts from the records at Central Falls. The records of deeds run from 1871 to date, vols. 1–10. There are 2 volumes of index, 1850 to date, and a receiving book. Mortgages of real estate run from 1871 to date, vols. 1–5, and records of personal property, vols. 1–3. There are 2 volumes of index to mortgages—one of personal property and the other of real estate. Plats are in a folio volume, or else rolled.

Vital records: There are 2 volumes each of births, of marriages, and of deaths, 1871 to date. Intentions of marriage are in 2 volumes, 1881–1896, and intentions and returns of marriage in 2 volumes, 1896 to date.

Assessors' records: Tax assessments are in 5 volumes, 1871 to date. Poll tax assessments are in 1 volume, 1903 to date. The tax book has been printed from 1871 to date. It had previously been printed by the old town of Smithfield, from 1850 to 1870.

School records in the town clerk's office are boundaries of school districts, 1873–1890, 1 vol.; records of school district No. 14, 1848–1872, 1 vol. The school reports have been printed from 1871 to date. They had previously been printed by the old town of Smithfield from 1847 to 1870.

Miscellaneous records:

Registry of voters, 1871–1876, 1 vol.
Registry book, 1877 to date, 2 vols.
Dog licenses, 1871 to date, 2 vols.
Enrolled militia, 1871–1885, and list of jurors, 1871 to date, 1 vol.
Registry tax, 1878–1888; record of naturalization papers and record of appointment of railroad police, 1897–1901; 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Mechanics' liens, 1897 to date, 1 vol.

The records are kept in two safes in the town clerk's office at Greenville, and are in good condition.

SOUTH KINGSTOWN.

The town of Kingstown, incorporated 1674, was divided February 26, 1723, into North Kingstown and South Kingstown, the act providing that North Kingstown should be the older town. The South Kingstown records, therefore, begin in 1723.

Population: 1,523 (1730), 2,835 (1774), 2,675 (1782), 3,438 (1800), 3,807 (1850) 4,972 (1900).

Town meeting for election of officers held on the first Tuesday in June and for appropriations on the third Tuesday in

May. Town council and probate court meet on the second Monday of each month.

Town hall is at Wakefield.

RECORDS.

Town meeting records run from 1723 to date, vols. 1–4. Vol. 1, 1723–1776, includes also vital records, 1723–1794, with a few of earlier date, and earmarks and brands, 1723–1788.

Town council records No. 1 is a transcript made in 1723 of the council and probate records of Kingstown, and also contains a list of freemen, 1723, vital records, 1678–1722, and earmarks, 1696–1722. From 1723 to 1799 town council records are in vols. 2 to 6, probate records being kept in the opposite end of each volume. From 1799 to date council records are kept separately in vols. 7–11.

Probate records previous to 1799 are kept in the same volumes with town council records, *q. v.* From 1799 to date they are kept separately in vols. 1–16. There is a separate volume of index of wills and a probate docket. Bonds run from 1873 to date, in vols. 1–3. Appraisers warrants run from 1896 to date in 1 volume.

Deeds: Land evidence, vols. 1–3, are transcripts made in 1723 of Kingstown records from 1693 to 1723. The regular series of land evidence runs from 1723 to date, vols. 3–36. Real estate mortgages are kept separately, 1886 to date, vols. 1–5. Personal property mortgages are kept separately, 1839 to date, vols. 1–5. There is a receiving book and a separate volume of index to deeds. Plats are kept in 3 large volumes called "Plat book record of highways." Miscellaneous plats are rolled. The lands of South Kingstown were included in what was early called the Pettaquamscut Purchase. Many of the records of the Purchasers are printed in the Rhode Island Historical Society Collections, vol. 3, pp. 275–292, and their records from 1783 to 1793 are in manuscript in the library of the Historical Society.

Vital records from 1678 to 1722, included in the transcript of town council records No. 1, are really records of Kingstown and should be mentioned in connection with North Kingstown records. From 1723 to 1794 the vital records were kept in the first volume of town meeting records. From 1794 to 1850 they are in a separate volume, which also includes record of earmarks, 1791–1866, and of estrays, 1824 to date. From 1850 to date there is 1 volume each of births, of marriages, and of deaths. Intentions of marriage, 1881–1895, are in 2 volumes, and intentions and returns of marriage, 1895 to date, are in 3 volumes. There are several marriages from 1716 to 1731 recorded in the paper volumes of justices' court records as yet unarranged. The records as far as 1850 have been printed in vol. 5 of Arnold's Vital Record of Rhode Island.

Assessors' records from 1757 to date are in little volumes chiefly bound in paper or pasteboard covers. Tax books have been printed from 1852 to date.

School records in the town clerk's office are records of school committee, 1852–1871, 1 vol.; school daily registers, 1862–1887, about 100 volumes;

records of school district boundaries, 1884, 1 vol. The school reports have been printed in 1852, 1853, 1863, 1873 to date, and possibly in intervening years.

Miscellaneous records:

Paper money bank mortgages, 1715–1756, 5 vols.
Justices' court records, 1782–1886, several volumes, chiefly unbound, and often including records of marriages.
Record of highway districts, 1797–1831, 2 vols.
Record of highway tax lists, 1832–1864, 2 vols.
Highway account book, 1865–1895, 5 vols.
Military roll, 1848, 1 vol., paper.
Militia rolls, 1861–1874, 1 vol.
Registry book, 1857 to date, 3 vols.
Memorial of soldiers' monument, 1861–1865, 1 vol.
Census of 1865, of 1875, 2 vols. in sheets.
Record of partnerships, 1881 to date, 1 vol.
Record of attachments, index to file.
Jurors' book, 1893 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Militia enrollment of 1898, in sheets.

There are several chests of eighteenth and nineteenth century accounts, warrants, highway layouts, justices' records, paper money mortgages, etc., etc., which would be of considerable value if properly arranged by subject. The office possesses a set of the Narragansett Times.

The records are in a fireproof vault in the town hall at Wakefield and are well bound and indexed.

TIVERTON.

Tiverton, one of the five towns received from Massachusetts in 1746 by royal decree, was incorporated, together with small parts of Dartmouth and Freetown, as a Rhode Island town January 27, 1747. It was settled in 1680, and had been incorporated as a town by the Massachusetts Colony in 1694. The northern portion of the town was incorporated by Rhode Island as the town of Fall River October 6, 1856, but was transferred to Massachusetts March 1, 1862, in exchange for parts of Pawtucket and Seekonk.

Population: 1,040 (1748), 1,956 (1774), 1,959 (1782), 2,717 (1800), 4,699 (1850) 1,927 (1860), 2,977 (1900).

Town meeting for election of officers held on the first Wednesday in June and for appropriations on the last Wednesday in April. Town council and probate court meet on the first Saturday of each month.

Town clerk's office is at Tiverton.

RECORDS.

[NOTE.—The town meeting and vital records before 1747 are still in the possession of the town, but the land evidence and probate records before that date, according to the Massachusetts system, are preserved in the county seat at Taunton, where are also the records of the town of Fall River (R. I.), 1856–1862. See Report of the Massachusetts Record Commissioner for 1885, p. 373.]

Town meeting records: The volume lettered "Town meetings, births, marriages, deaths, 1697–1732" includes town meeting records from 1693 to 1733. The volume lettered "Town meeting records, 1704–1754" contains the records from 1735 to 1754 and a few meetings from 1704 to 1708. This is followed by "Town meetings, 1754–1798," and "Town meetings, 1801–1838." The last volume is lettered "Town meeting records, No. 3," and runs from 1838 to 1903. The records from 1798 to 1801 appear to be missing. There is a volume of lists of freemen 1747–1811.

Town council records from 1747 to 1764 are in the volume lettered "Probate records, No. 2, 1746–1769." From 1771 to 1775 the records are in the volume lettered "Probate records, No. 4, 1771–1793;" from 1776 to 1789, in volume lettered "Town council and probate records, 1776–1789;" from 1790 to 1792, in volume lettered "Probate records, No. 4, 1771–1793;" from 1792 to 1804, in "Council book, No. 5;" from 1804 to 1852, in "Town council meetings, No. 2, 1804–1852." This is followed by "Council records, No. 3," 1852–1889, and "Council record, No. 4," 1889–1903.

Probate records from 1747 to 1768 are in volume lettered "Probate records, No. 2, 1746–1769;" from 1769 to 1792, in "Probate records, No. 4, 1771–1793;" from 1792 to 1804, in "Council book, No. 5;" from 1804 to 1814, in "Probate records, No. 6." This is followed by vol. 7 to vol. 19, 1814 to date. (There are 2 volumes lettered vol. 14.) There are also 2 volumes of record of bonds, 1874 to date; 1 volume of scratch book of probate court, 1818–1826; and 1 volume of probate docket.

Deeds: There is a volume lettered "Proprietors' record, Pocasset," which contains a transcript of the original records of the proprietors of Pocasset and of Puncatest from 1680 to 1848, made in 1868. The land evidence runs from 1746 to date, vols. 1–48. There is a separate volume of index of grantees for vols. 1–36, which index is being continued by the card system. A volume lettered "Land records, 1752–1774," contains paper money indentures of 1752 and deeds from 1748 to 1774. There is also 1 volume of securities on personal estate, 1834–1876; 1 volume of records of personal property, 1874–1899; and 3 volumes of mortgages land evidence, 1903 to date. Plats are rolled. A map of the Pocasset purchase is in private hands.

Vital records before 1850 are in 4 volumes. "Births and deaths, 1673–1818;" "Marriages and intentions, 1707–1746," containing records from 1707 to 1814; "Births, 1767–1812," containing births and deaths from 1745 to 1829; and "Births and marriages, 1809–1854." There are also several records from 1678 to 1735 in "Town meetings, births, marriages, deaths, 1697–1732." From 1850 to date there are 2 volumes each of births, of marriages, and of deaths. There are also intentions of marriages, 1881–1896, 1 vol., and intentions and returns of marriage, 1896 to

date, 1 vol. The records as far as 1850 are printed in vol. 4 of Arnold's Vital Record of Rhode Island.

Assessors records: The original tax books for the following years seem to be in the office: 1844, 1850, 1852, 1855, 1856, 1870, 1872–1875, 1879 to date. The tax books have been printed since 1867.

School records in the town clerk's office are records of school districts, 1842–1895; treasurer's school records, 1845–1883, in 2 volumes; school attendance and census, 1885–1889, in 2 volumes. The school reports have been printed in 1859 and from 1873 to date.

Miscellaneous records:

Treasurer's record book, 1787–1846, 1 vol.; cash book, 1845–1893, 2 vols.; account book, 1883–1893, 1 vol.

Records of the overseers of the poor, 1822–1886, 1 vol.

Electoral register, 1868–1876, 1 vol.

Registry book, 1877 to date, 2 vols.

Dog licenses, 1864–1871, 1895–1899, 3 vols. (These, as well as liquor licenses, are now kept by the Tiverton police commission).

Bounds of highway districts, 1868, 1 vol.

Vaccination books, 1873–1894, 1 vol.

Record of estrays, 1873 to date, 1 vol.

Mechanics' liens, 1877 to date, 1 vol.

Jury book, 1893 to date, 1 vol.

Record of elections, district Nos. 1 and 2, 1895 to date, 2 vols.

Medical register, 1895 to date, 1 vol.

Register of clergymen, 1896 to date, 1 vol.

Militia enrollment of 1898, in sheets.

The records are well kept in a fireproof vault in the town clerk's office at Tiverton. Several of the earlier volumes have been wisely preserved by the Emery process, although the modern lettering on the backs is not always indicative of the contents.

WARREN.

Warren, whose territory formerly belonged to Massachusetts, came under Rhode Island jurisdiction upon the settlement of the boundary question, and on January 27, 1747, was incorporated as a town. On June 16, 1770, the town was divided, the new portion being named Barrington. A portion of the town of Bristol was annexed to Warren May 30, 1873.

Population: 680 (1748), 979 (1774), 905 (1782), 1,473 (1800), 3,103 (1850), 5,108 (1900).

Town meeting for election held on the second Wednesday in March and for appropriations on the succeeding Saturday. Town council and probate court meet on the first Saturday in each month.

Town hall is in the town of Warren.

RECORDS.

Town meeting records are in four volumes, 1747 to date. There are also two small volumes of the original blotters, 1810–1829, 1829–1842.

Town council records from 1747 to 1837 are in three volumes, the first two of which, 1747–1808, include probate matter. The fourth volume is unlettered, runs from 1835 to 1856, and is apparently the original blotter which had not been transcribed. The next volume, 1856–1873, is lettered vol. 2 and is followed by vols. 3–5, 1873 to date.

Probate records before 1808 are in town council records. From 1808 to date they are in a series numbered vols. 2–13, although vol. 12 contains solely probate record accounts. There are four thin volumes running from 1819–1839, 1858–1861, which are apparently blotters. Wills and inventories, 1810–1819, vol. 3, and 1819–1851, vol. 4, are followed by wills, 1854 to date, vols. 8–10, and inventories, 1832 to date, vols. 3–5. Letters testamentary and of administration are dated 1810–1839, No. 1; 1840–1856; 1872–1899, No. 3. Letters of guardianship are dated 1814–1841, No. 2, and 1841–1899. These are followed by a volume of letters testamentary, administration, and guardianship, 1899 to date. Of the volumes of bonds, there are administrative bonds, 1810–1836, 1 vol.; executor's bond, etc., 1815–1823, No. 1; bonds and letters to pay debts and legacies, 1823–1839, No. 2; letters and bonds to return an inventory, 1823–1839, No. 3; bond book, 1872–1893, 1 vol.; and record of bonds, 1893 to date, Nos. 2 and 3. Other probate volumes are probate docket, 1895 to date; probate record accounts, 1841 to date, vols. 7–12 (there is, however, no vol. 8); and court of probate, commissioner's claims, 1843 to date, vol. 8. The probate records are provided with separate indexes, but the lettering on the backs of the volumes, as can be seen above, is very confusing.

Deeds are in a series numbered vols. 1–38, 1747 to date, although there are two vols. 20, and two vols. 21. These are indexed in separate volumes. There is a transcribed copy of the records of the proprietors of Sowams, 1653–1797, the original of which is at Barrington. Personal-property mortgages are in a separate series of 3 volumes, 1834 to date. There is a reception book for conveyances. Plats are mounted on cards, those of estates numbering 1 to 30, and those of streets 1 to 6. There is a folio plat book containing a plat of the entire town, made in 1856 by James S. Mason.

Vital records from 1747 to 1850 are in 3 volumes. The births are arranged alphabetically by the Christian name. There is also a volume of record of marriages, 1822–1853. From 1850 to date births are in 2 volumes, marriages in 2, and deaths in 2. Intentions and returns of marriages are in 5 volumes, 1881 to date. The records as far as 1850 are printed in vol. 6 of Arnold's Vital Record of Rhode Island.

Assessors' records are in 5 volumes, 1851 to date. The tax books have been annually printed from 1868 to date, with the possible exception of 1869.

School reports have been annually printed from 1857 to date, with possibly a few exceptions in the earlier years.

Miscellaneous records:

Registry book, 1877 to date, 3 vols.
Assignment of future earnings, 1884 to date, 3 vols.
Dog licenses, 1885–1892, 1 vol., 1892 to date, on stubs.
Attachments and executions, 1885 to date, 1 vol.
Police department report, 1891–1898, 1 vol.
Licenses of shows, 1892 to date, 1 vol. of stubs.
Jury book, 1893 to date, 1 vol.
Corporation returns, 1895 to date.
Medical register, 1895 to date, 1 vol.
Clergymen's register, 1896 to date, 1 vol.
Records of bonds issued, 1897 and 1902, 1 vol.
Finance records, 1901 to date, 1 vol.

The records are well kept in a large fireproof room in the town hall at Warren.

WARWICK.

Warwick, one of the original four towns, was settled in 1643, although it apparently did not assume governmental organization until 1647. (See Field's Rhode Island, vol. 1, p. 72.) The town was divided in 1741, and Coventry separated from it.

Population: 480 (1708), 2,438 (1774), 2,122 (1782), 2,532 (1800), 7,740 (1850), 21,316 (1900).

Town meeting for elections held on the Tuesday next after the first Monday in November, and for appropriations on the first Tuesday in September. Town council meets on the second and fourth Mondays of each month, and probate court on the second and fourth Thursdays of each month.

Town hall is at Apponaug.

RECORDS.

Town meeting records. The first record book includes town meeting records, town council records, deeds, earmarks, etc., from 1647 to 1668, as well as a few Indian deeds of earlier date. There are several pages of shorthand in the first part of the book, probably notes on sermons written by Edmund Calverly while in England. There is also a transcript of this volume made in 1860. This is followed by a volume of town meetings and land evidence, 1668–1681, and by a volume called General Record No. 1 and containing town meetings, 1681–1682, 1696; land evidence, 1681–1682; some scattered town council records, earmarks, and a few miscellaneous proprietors' records, 1681–1720. These three volumes have been provided with a comprehensive alphabetical index of proper names, subjects, grantors and grantees, etc., in 6 volumes. The town

meeting records, kept in separate volumes, run from 1713 to date, vols. 2–9.

Town council records are scattered throughout the first record book, 1648–1668, and general record, No. 1, 1681–1699, and are included in the volumes of wills from 1703 to 1771. The town council records, kept separately, run from 1771 to date, vols. 1–10.

Probate records: Wills, etc., run from 1703 to date in 21 volumes. There are 12 volumes of probate proceedings, 1804 to date; 5 volumes of probate bonds, 1873 to date; 1 volume of probate letters, 1839–1856; 1 volume of letters of administration with will annexed, 1856 to date; 2 volumes each of letters of administration, letters of guardianship and letters testamentary, 1856 to date; and probate docket, 1895 to date.

Deeds: Land evidence from 1642 to 1668 are scattered throughout the first record book; from 1668 to 1681 are contained in a mixed volume of town meetings and land evidence; and from 1681 to 1682 in the volume called General Record No. 1. These three volumes have been carefully indexed. From 1682 to date the deeds run from vol. 1 to 67, the first volume, 1682–1706, containing many early deeds recorded after 1682. The deeds are indexed in separate volumes and there is a receiving book. There are also the mortgages of personal property, 1834 to date, in 7 volumes, and mortgages of real estate, 1854 to date, vols. 1–31 (although there are two vols. 4 and two vols. 8, making 33 volumes). Plats are kept in large folio books, vols. 1–4, and are also rolled and kept in drawers.

Vital records from 1664 to 1850 are in 4 volumes. From 1850 to date births and marriages are in 3 volumes each, and deaths in 2 volumes. The intentions of marriage, 1890–1895, and the intentions and returns of marriage, 1896 to date, are in 6 volumes. The vital records as far as the year 1850 are printed in Arnold's Vital Record of Rhode Island, Vol. 1.

Assessors' records: The tax lists from 1865 to date are in 6 volumes. The earlier lists, as far back as the beginning of the eighteenth century, are tied up in bundles and kept in the storage room. There are also 2 volumes of the levy book for town taxes, 1878 to date; 2 volumes of the levy book for school districts, 1893 to date; and 1 volume of the fire district tax levy book, 1900 to date. The tax books have been printed from 1856 to date, with the possible exception of the years 1857, 1858, and 1859.

School records in the town clerk's office are records of school district No. 4, 1846–1886, 1 vol., and school district tax levy book, 1893 to date, 2 vols. The school reports have been printed since 1853.

Miscellaneous records:

Record of fence divisions, 1810 to date, 1 vol.

Record of liens, 1848 to date, 1 vol.

Record of surveyors of highways, 1853–1895, 2 vols.

Treasurer's account book, 1860–1861, 2 vols., in paper covers, and 1862–1880, 2 vols.

Highway account books, 1884 to date.

Miscellaneous records, 1855 to date, 2 vols. (Bills of sale of personal property.)

Miscellaneous records—Continued.
Record of attachments, 1858 to date, Index vol.
Dog licenses, 1867 to date, 3 vols.
Militia list, 1869–1882, 1 vol.
Soldiers' bounties, war of rebellion, 1 vol.
Militia enrollmont, 1898, 1 vol. of sheets.
Registry book, 1877 to date, 5 vols.
Assignment of wages, 1884 to date, 4 vols.
Record of elections, districts Nos. 1, 2, 3, 4, 1892 to date, 4 vols.
Jury book, 1893 to date, 1 vol.
Legal notices, 1895 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Liquor licenses, tavern licenses, junk gatherers' licenses, and peddlers' licenses are kept in stub volumes.

In the storage room are two large boxes and one trunk full of miscellaneous papers of the 18th and 19th centuries, such as receipts, vouchers, warrants, early tax lists, records of highway districts, bonds and records of the justices of the peace, 1756–1860, both in volumes and in bundles of papers.

The Warner Papers in the John Carter Brown Library (1,921 manuscripts in 5 volumes, with index of names) contain many papers relating to Warwick, 1642–1849, such as deeds, town orders, layouts of land, plats, etc.

The records are kept in a large fireproof room in the town hall at Apponaug, and, with the exception of the very early volumes, are in good condition and well labeled. The first book of records should be carefully copied and printed.

WEST GREENWICH.

West Greenwich was taken from East Greenwich and incorporated as a town April 6, 1741.

Population: 766 (1748), 1,764 (1774), 1,698 (1782), 1,757 (1800), 1,350 (1850), 606 (1900).

Town meeting for election of officers and for appropriations held on the first Monday in June. Town council and probate court meet on the last Saturday of each month.

Town clerk's office is in his house at West Greenwich Centre.

RECORDS.

Town Meeting Records from 1742 to date are in 4 volumes.

Town Council Records from 1742 to date are in 9 volumes. Some Council Records for 1741–42 and also a few records of earmarks, written on loose leaves, are laid in at the beginning of the first volume. The records from 1788 to 1790 are apparently missing and there are two volumes lettered 8.

Probate Records. Wills, 1742–date, are in 11 volumes, there being a contemporary index in each volume. The records of the Probate Court are kept in vol. 1–8 of Town Council Records from 1741 to 1827, in vol. 6–9 of Record of Wills from 1828 to 1846, and in separate volumes, lettered vol. 10 and 11, from 1846 to date. There is a Probate Docket, 1896–date, and 2 volumes of Probate Bonds, 1873–date.

Deeds. Land Evidence runs from 1740 to 1786, vol. 1–8. The first volume, 1740–1741, has but 49 loose pages and contains deeds in the Great Purchase, later incorporated as West Greenwich. There is a separate thin volume of Index to vol. 2–7. From 1786 to date Land Evidence runs in a new series, vol. 1–17, there being a contemporary index in each volume. There is a separate Index to Deeds, 1899–date, in 1 volume. There are 2 volumes of Chattel Mortgages, 1834–date, 3 volumes of Real Estate Mortgages, 1838–date, and 1 volume of Registry of Mortgages and Quitclaims, 1742–1772. There are several plats of highways and estates among the loose miscellaneous papers, including two old plats of 1720 and 1727 which cover almost the entire town.

Vital Records from 1741 to 1852 are in 3 volumes. From 1852 to date there is 1 volume each of Births, of Marriages and of Deaths. Intentions of Marriage and Intentions and Returns of Marriage run from 1881 to date in 4 volumes. The records from 1741 to 1850 are printed in Arnold's *Vital Records of R. I.*, vol. 1.

Assessors Records from 1899 to 1902 are in 4 paper books, and from 1903 to date are in a large folio volume. Most of the earlier tax lists are among the loose miscellaneous papers. The Tax Books have been printed from 1864 to date.

School Reports have been printed from 1862 to date.

Miscellaneous Records are as follows:—

Register of Earmarks and Estrays, 1742–1894, 2 vol.
Militia Lists, 1862–85, 1898, 1 vol.
Dog Licenses, 1864–date, 1 vol.
Registry Book, 1889–date, 1 vol.
Naturalization Book, 1892–date, 1 vol.
Jury Book, 1893–date, 1 vol.
Medical Register, 1895–date, 1 vol. (contains as yet no entries).
Register of Clergymen, 1897–date, 1 vol.

There are 3 chests of miscellaneous papers, such as petitions, warrants, receipts, town orders, tax lists, etc., chiefly of the late eighteenth and early nineteenth centuries.

The records are in fair condition, although several of the early volumes, such as vol. 2 of the Vital Records, are loose in the binding. Vol. 1 of Town Meeting Records is so discolored as to be partially unintelligible. No office or fireproof receptacles are provided by the town for its clerk, and hence the records are kept in the houses of the various town-clerks.

WESTERLY.

Westerly was incorporated May 14, 1669. Its name was changed to Haversham in June, 1686, but was restored in 1689. It originally included the towns of Charlestown, which was separated from it in 1738, of Hopkinton, which was separated from it in 1757, and of Richmond, which was separated from Charlestown in 1747.

Population: 570 (1708), 1,926 (1730), 1,809 (1748), 2,291 (1755), 1,812 (1774), 1,744 (1782), 2,329 (1800), 2,763 (1850), 7,541 (1900).

Town meeting for election of officers held on the first Tuesday in June, and for appropriations on the second Tuesday in June. Town council meet on the first Monday of each month and probate court on the first and third Mondays of each month.

Town hall is on Union street in Westerly.

RECORDS.

Town meeting records from 1669 to 1706 are in a volume lettered "Town Records, Land Evidence, etc., No. 1, 1661–1707." This volume contains also land evidence, vital records, probate matter, and earmarks from 1669 to 1707. Town meeting records from 1707 to 1745 are in a volume lettered vol. 1 and containing also vital records, land evidence and earmarks. This is followed by vol. 3, 1745–1778, containing also vital records and earmarks; vol. 4, 1779–1819, containing also vital records and earmarks; unnumbered volume 1819–1855; unnumbered volume 1855–1903; vol. 2, 1904 to date.

Town council records before 1699 are in the book called town records, No. 1. From 1699 to 1798 they are in a series labeled town council and probate, vol. 1–5. From 1798 to date they are kept separately, vol. 6–11. There is a volume of town and council special proceedings, 1859–1888, which relates chiefly to highways.

Probate records before 1798 are kept in the same volumes with town council records. From 1798 to date they are kept separately in a series numbered vol. 1–12. There are two volumes of probate bonds, 1872 to date. There is a separate volume of index only to vol. 10–12.

Deeds: Land evidence from 1662 to 1707 is in the book called "Town Records, Land Evidences, &c., No. 1." There are a few deeds in the first volume of council and probate records, 1699–1719. The land evidence is kept separately from 1707 to date in a series numbered vol. 2–35. There are two separate volumes of grantors and grantees' index. There is a volume called the "Lottery Book" and containing deeds chiefly from Joseph Pendleton, 1751–1768, in Lottery Village. Mortgages of real estate run from 1870 to date in 7 vols. Mortgages of personal

property run from 1834 to date in 4 vols. There is an index volume of attachments, 1882 to date. Plats are chiefly in 2 folio volumes.

Vital records before 1706 are in the book called "Town Records, Land Evidence, &c., No. 1." From 1707 to 1819 they are included in the volumes of town meeting records. There is a volume called "Record of Marriages and Births, No. 3, 1824–1850." From 1850 to date there are 2 volumes of births, 2 of marriages, and 1 of deaths. Intentions of marriage and intentions and returns of marriage run from 1881 to date. The records previous to 1850 have been printed in volume 5 of Arnold's Vital Record of Rhode Island.

Assessors' records: The tax books run from 1873 to date in 31 volumes, and there are some of the earlier volumes in the storage room. There is a volume of assessors' valuation, 1877–1887, and a card index to taxpayers. The tax books have been printed from 1853 to date, with the exception of the years 1854, 1857, 1858, 1860, and 1864, which do not appear to be in any set.

School reports have been printed from at least 1883 to date, although for 12 years previous they had been printed in the newspapers.

Miscellaneous records:

Records of the Pawcatuck Union Meeting House, 1828–1872, 1 vol.
Mechanics' liens, 1853–1876, 1 vol.
Militia enrollments, 1867–1882, 2 vols.
Statements of manufacturing corporations, 1872 to date, 1 vol.
Town ordinances, 1873 to date, 1 vol.
Record of dog licenses, 1873 to date, 1 vol.
Book of executions, 1876 to 1883, 1 vol.
Registry books, 1877 to date, 3 vols.
Report of auditors, 1884 to date, vol. 2.
Assignment of wages, 1884 to date, 2 vols.
Criminal record, 1885–1903, 4 vols.
Civil record, No. 2, 1889–1899, 1 vol.
Civil record index, 2 vols.
Witness book, 1889–1899, 1 vol.
Commissions of district court justice to justices of peace, 1889 to date, 1 vol.
Town notes, 1892 to date, 1 vol.
Trespass and ejectment book, No. 2, 1893 to date, 1 vol.
Jury book, 1893 to date, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 2 vols.
Naturalization book, 1900 to date, 1 vol.

A large volume of early documents pertaining to Westerly is in the possession of the Westerly Public Library.

The records are kept in a vault in the town hall. Nearly all of the volumes previous to 1890 have been preserved by the Emery process. Few towns have done so well in this respect as Westerly. The records need more thorough indexing, however.

WOONSOCKET.

Woonsocket was taken from Cumberland and incorporated as a town January 31, 1867. When the town of Smithfield was divided, March 8, 1871, a portion was annexed to Woonsocket. Woonsocket was incorporated as a city June 13, 1888.

Population: 11,527 (1870), 16,199 (1885), 28,204 (1900).

Municipal election held on the Tuesday next after the first Monday in November. Board of aldermen meets on the second Monday in each month and common council meets on the Wednesday after the first Monday in each month. Probate court meets on the first and third Tuesdays of each month.

City building is on Main street.

RECORDS.

Town meeting records, 1867–1888, are in 1 volume, followed by the records of the board of aldermen and city council, vols. 1–4, 1888 to date.

Town council records, 1867–1888, are in 5 volumes, followed by records of the board of aldermen and city council, vols. 1–4, 1888 to date.

Probate records are in 11 volumes, 1867 to date, including wills. There are also 4 volumes of probate record of bonds, 1867 to date, and a probate docket. The probate records are indexed in separate volumes.

Deeds are in 67 volumes, 1847 to date. The first volume contains copies from Smithfield and Cumberland records, 1847–1867. These are provided with separate volumes of indexes. Mortgages of personal property are kept separately in 10 volumes, 1867 to date. Receiving book for conveyances is kept. Plats are in 7 large folio volumes, 1867 to date, the first volume, however, including copies of earlier Cumberland plats from 1849 to 1867. There is a series of 61 assessors' plats mounted on folio cards and indexed in 24 small volumes.

Vital records are in 10 volumes, 1867 to date—4 of births, 3 of marriages, and 3 of deaths. Intentions of marriage and intentions and returns of marriage are in 6 volumes, 1881 to date.

Assessors' records: Town taxes, called city taxes after 1888, are in 9 volumes, 1867 to date. The city clerk's office also possesses registry tax, No. 1, 1867–1881; poll tax, Nos. 1 and 2, 1893 to date; real estate ledgers, 1891 to date, 4 vols.; and the assessors' plats mentioned above. The assessor's department in the city hall possesses all the additional assessors' records. The tax books have been printed from 1867 to date.

School records: The city clerk's office possesses boundaries of school districts, 1868–1882. The school reports have been printed from 1867 to date.

Miscellaneous records:

Record of attachments, 1867 to date, 1 vol.

Record of corporation certificates, 1867 to date, 1 vol.

Record of mechanics' liens, 1867 to date, 1 vol.

Registry of dogs, 1867 to date, 4 vols.

Index of highway matters in town and city records, 1867 to date, 1 vol.

Miscellaneous records—Continued.
Highway records, 1868–1869, 1 vol. (Highway districts.)
Registry book, 1877 to date, 11 vols.
Assignment of wages, 1884 to date, 4 vols.
City ordinances, 1888 to date, 1 vol.
Record of venders' licenses, 1895, 1 vol.
Registry of town bonds, 1874, 1885, 1887, 3 vols.
Registry of waterworks bonds, 1891, 1895, 1899, 1901, 4 vols.
Registry of Woonsocket and Pascoag Railroad Company bonds, 1897, 1 vol.
Registry of funding bonds, 1894, 1897, 2 vols.
Registry of sewerage bonds, 1893–1901, 5 vols.
Militia rolls, 1868–1882, 1 vol.
Medical register, 1895 to date, 1 vol.
Register of clergymen, 1896 to date, 1 vol.
Militia enrollment, 1898, 1 vol.
Census of 1875, 1880, for Woonsocket, 2 vols.
Census of males over 20 years of age, 1889, 5 vols., unbound.

The records are well indexed, well bound, and well kept in the city building on Main street. This building contains also the offices of the assessors, tax collectors, waterworks, sewer commissioners, city engineer, highway commissioner, license commissioners, and sealer of weights and measures, all of which possess the clerical records of their respective departments.

THE VIRGINIA ARCHIVES.

By WILLIAM G. STANARD,
Corresponding Secretary and Librarian of the Virginia Historical Society, Richmond.

INTRODUCTION.[a]

Until within a few months past the State records have been in the custody of the secretary of the Commonwealth. Their ultimate control still remains with him, but by the act reorganizing the State library in accordance with the new constitution of Virginia, these records have been placed under the care of the library board to be arranged, indexed, calendared, or printed.

At the close of Mr. Eggleston's official connection with the library, Mr. Nimmo made a report to him of the work which he had done on the manuscripts, and appended a list of the books and papers which had been deposited in the State library. These books and papers were collected with care by Mr. W. W. Scott, late librarian, from various places in the capitol and library building. On account of lack of space in the library they had been scattered about in the stack room where vacant places could be found, and for this reason Mr. Nimmo's list was, necessarily, a somewhat rough one.

I have made some changes in Mr. Nimmo's arrangement and some additions of manuscripts in the library relating to the history of Virginia, yet not strictly a part of the State papers. I have also added a notice of records in other departments in

[a] It is proper that I should state in the beginning that it is due to the courtesy of Hon. D. Q. Eggleston, secretary of the Commonwealth of Virginia, and of Mr. Thomas E. Nimmo, who has had charge of the arrangement and indexing of the State records, that I am able to make this report. The same reasons which have hitherto prevented me from giving the time necessary for making a catalogue of the scattered volumes and papers in the archives of Virginia would have kept me (though greatly against my inclination) from doing the work desired by the Association, had I not been permitted to use the report made by Mr. Nimmo to Mr. Eggleston.

the State government and a rough list of the extant records in the older counties.

The library board which, under the new constitution, controls the State library, has been granted by the act referred to a fund amounting to about $12,000, which is strictly devoted by the law to the care, indexing, and publication of the public records of the State and to making additions by purchase of originals or copies of manuscripts.

Mr. John P. Kennedy, who has been elected State librarian, has commenced work with much zeal and energy. All of the manuscript volumes have been arranged in adjoining stacks and placed in proper order. The work of arranging the "Executive papers" has been continued by Mr. Nimmo, who is now at work on the civil-war period, while another of Mr. Kennedy's assistants is making an index to the documents known as the "Legislative papers." It is probable that copying the many journals of the house of burgesses in the English public-record office, of which no duplicates are preserved here, will soon be begun.

In view of the brighter future which seems in store for our public records, it may be of interest to know something of their past history.

From a very early period there were two main depositories of the records of the colony of Virginia. One was the office of the secretary of state, who had as subordinates the clerks of the council and general court and, probably, of the council as upper house of assembly. The other was that of the clerk of the house of burgesses. The one contained the executive and judicial records and the other those of the legislature. It should not be forgotten that during a considerable portion of the seventeenth century the assembly was the supreme court of appeal, and that in this way many records of suits were to be found among its papers.

At the session of September, 1664, an act was passed (Hening II, 210) "Concerning the regulating the Secretary's office." Its preamble is as follows: "Whereas it is evident that in all countries the well or ill keeping of the records is of the highest consequence as being the only means to preserve the rights and proprieties of all the inhabitants of the same, and since it appears that there hath beene a great neglect in keeping the records in this country, for remedy whereof in

the future" it was ordered at the instance of the secretary, Thomas Ludwell, that two members of the house and the clerk should examine the records and report on their condition, and that for the future as soon as there was a place convenient to receive them (a statehouse was then in course of erection) no one should have a view of them except upon public order but the clerk of the office or whom else the secretary should appoint.

Twelve years after this wise action of the assembly was taken the records barely escaped entire destruction. In 1676 Jamestown was burned by Bacon's forces and the statehouse destroyed, together with all other buildings in the little town. Fortunately the records were preserved by Richard Lawrence, one of the "Rebel's" chief adherents.

At the session of February, 1676–77 the assembly ordered that the records of the general court and of the secretary's office should be taken to "Rich Neck," the secretary's residence, for safe keeping. The absence of any mention of the records of the house of burgesses has an ominous look and might be taken to indicate that they had not escaped the fire; but, as the assembly was then in session at "Green Spring," Governor Berkley's house, it is probable that its records were there.

In 1698 the statehouse at Jamestown was again burned, but we have no information in regard to the fate of the records. As an act was passed in the next year for a revisal of the laws, and it is stated that "the whole body of the laws of this his majesties ancient and great colony and dominion of Virginia do lye in great disorder and confusion," it is probable that the public records again escaped the fire. That the records were considered incomplete is shown by a clause in the act which authorizes the revisers to send for any "papers, records, or copies of records * * * to all persons having any manuscript, papers, or records relating to the first settlement of this country." (Hening III, 181.)

One of the revisers was Benjamin Harrison, jr. (a few years later speaker of the house of burgesses), who, about 1705, petitioned the governor and council for permission to examine and make extracts from the public records, giving as a reason that he proposed to write a history of Virginia. It seems to me very probable that the compilation from the Virginia seven-

teenth century records, which is in the Congressional Library, and which is a volume styled by Hening (I, 223), "The Bland manuscript," was compiled for Benjamin Harrison. The "Randolph manuscript," in the collections of the Virginia Historical Society (Hening's "Ancient Records, vol. 3"), is evidently a copy of the Bland manuscript with a different arrangement of contents. These volumes contain material of great value on the early history of Virginia.

After the removal of the seat of government to Williamsburg, the capitol was burned in 1748. As is the case in regard to the fire of 1698, we have no information concerning the fate of the records in the later one; but there is reason to believe that in one of these fires, perhaps the last, the records of the house of burgesses perished.

While many of the records in the secretary's office are now in existence, or are known to have been in 1865, only one manuscript journal of the house prior to 1769 has been preserved—that of 1692–93.

In 1779 Richmond became the capital of Virginia and the public records were, of course, brought to this city.

During the Revolution many of the records were destroyed by the British forces and others were scattered and lost during attempts to save them from the enemy.

At some unknown date, probably soon after the completion of the capitol, in Richmond, a mass of public papers was stored in the garrets of that building. Here they remained unused and almost forgotten until 1839, when the Virginia legislature was seized with one of its periodical fits of alarm on account of the great danger from fire to which the capitol is exposed. In 1840 a resolution was adopted directing the governor to take measures for the safety of the building, and to appoint some competent person to examine the old papers stored in the garrets. After this person reported, the governor was to use his discretion as to which of the papers should be preserved and which destroyed. There is no mention in the official reports that any of them were destroyed; but it appears that a large number of boxes were filled with documents from the places which were to be cleared out and that for several years these boxes cumbered the upper gallery of the capitol. There is no indication as to the character of these papers, nor is their fate positively known; but, as the general court-house was built in the capitol square in 1847, there can hardly be a

doubt that they formed a part of the large collection afterwards in that building.

For a number of years before the civil war our public records seem to have been kept in three places. In the office of the clerk of the house of delegates, who was keeper of the rolls, were the legislative records, with probably nothing of an earlier date than 1769, but with the series of papers during the existence of the State practically unbroken, as, fortunately, they have been kept till the present day.

In the office of the clerk of the council, who was succeeded by the secretary of the Commonwealth, were the various executive documents which have been printed in the Calendar of Virginia State Papers, and most of the manuscript books and papers which are now preserved in the State library.

In the general court-house was a great collection of ancient records, apparently gathered from various places. Some idea of what this contained may be had from the numerous references in Hening and from Dr. William P. Palmer's preface to the first volume of the Calendar of Virginia State Papers. This preface will be read with interest, but with a feeling of keen regret at our great loss, by all students of the history of Virginia. On April 3, 1865, the court-house, with all of its contents, was destroyed by the fire which consumed so large a part of Richmond.

Only a few relics of this most valuable collection survived. The Virginia Historical Society has a minute book of the general court, 1670–1676, which no doubt was at some distant period borrowed and not returned to the court-house. The same society has a volume containing notes and copies made by the late Conway Robinson, esq., one of the few men who knew or cared for the stores of historical material in the general court-house. Borrowed also, no doubt, and with like good fortune never returned, were the journals of the council and general court of Virginia, now in the Congressional Library. These journals begin in 1622, and are the oldest original Virginia records in America.

There are other original records, copies, and compilations in the Congressional Library which help materially to fill the gaps caused by losses in Virginia. Their preservation is due chiefly to Thomas Jefferson, and constitutes another of Virginia's debts to him.

Mr. Worthington C. Ford has kindly given a list of them, which is appended to this report.

Of course the British public record office contains an immense mass of manuscript relating to the portion of Virginia history which was not particularly local.

The late W. Noel Sainsbury made for the State of Virginia a series of abstracts of part of the Virginia papers in the public record office, which, as he stated in a letter written not long before his death, are about one-third fuller than the abstracts made for the printed English Calendar of Colonial State Papers. He gives quite satisfactorily the proceedings of the privy council and board of trade and also the communications between the authorities in England and Virginia, but only gives lists of "inclosures" sent in the letters from Virginia. As these "inclosures" included copies of the journals of the council and house of burgesses, as well as other valuable documents, it will be seen that there is still much work for Virginia to do in the public record office.

The Sainsbury abstracts, as well as some other volumes of copies from the English records are in the State library and are mentioned below.

At the time when Richmond was occupied by United States troops there was undoubtedly some pillaging among the records in the capitol, but the exact loss can not be ascertained.

There are also rumors of the destruction of valuable papers during the last thirty years by ignorant persons employed to clear out the garrets of the capitol, in the course of renewals of the fire scares referred to; but like the loss at the close of the civil war, nothing definite can be ascertained. There are gentlemen of antiquarian tastes still alive in Richmond who tell of the horror they felt at seeing numerous fragments of seals near a paper mill to which State employees had been selling old documents.

Among the few men who took an active interest in our public records in the years immediately following the civil war the name of Hon. Thomas H. Wynne (the sale of whose valuable library will be recalled by the older collectors of Americana) is conspicuous. As a member of the Virginia legislature and chairman of the library committee his influence was very useful. It is believed that it is due to him that the

Sainsbury abstracts were made, and to him also probably belongs the credit of the publication of the Calendar of Virginia State Papers (II vols., 1875 ——), undertaken by virtue of acts passed in 1872 and 1873.

During the period since 1865, in spite of the poverty of the State and general carelessness in regard to our records, much good work, which will prove of lasting benefit, has been done. The Sainsbury abstracts and the Calendar have been mentioned. In 1891 the joint committee on library, proceeding under the authority of an act of assembly, placed the old legislative papers in the hands of the secretary of the Commonwealth to be arranged. These papers, comprising almost all of the documents of the Virginia legislature from 1774 to about 1865, had, apparently about the latter date, been thrown in a confused heap into one of the garrets of the capitol. They were removed and are now in good order in the State library.

By act approved March 1, 1892, $5,000 was appropriated for making copies of the county records. This money was very economically expended, and the copies, comprising a number of volumes, are now in the library. A list of them is given below. Not nearly all of the county records, even of a date prior to 1700, were copied before the appropriation was exhausted; but this is a very useful work and it is hoped it may be continued.

In 1901 an appropriation of $1,000 was made for the purpose of beginning the work of arranging and indexing the records in the State library, and Secretary of the Commonwealth Eggleston, who has always taken great interest in the public records, made a most admirable appointment in selecting Mr. T. E. Nimmo, of Petersburg, Va., for this duty.[a]

For some years past the Virginia Magazine of History and Biography, the William and Mary College quarterly, and the Lower Norfolk County Virginia Antiquary have been rendering useful service in printing the documentary history of the colony and State.

This brings the account of the public records of Virginia down to the present time.

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[a] It is added, with deep regret, that this high-minded gentleman and ardent antiquary died since this report was prepared.

PUBLIC RECORDS IN THE VIRGINIA STATE LIBRARY.

Eight hundred boxes of "Legislative papers," including petitions from counties, individuals, religious bodies, etc., communications from the executive, and all other papers of the general assembly of Virginia, 1773–1860.

One hundred boxes "Land-bound bounty claims" for services of Revolutionary soldiers, including about 25,000 documents to which an index of 8,000 cards has been made. The cards frequently contain several references. These papers furnish the proofs of service on which the land bounty was granted.

Seven boxes of "Pension certificates" from which is made a list of State pensioners from 1785 to 1809.

Eighty boxes "Land-bounty claims—rejected," because, though showing military service, yet failing to show the three years' service necessary to obtain land bounty, or lacking sufficient proof. An index to these papers has been prepared.

Twenty-four boxes "Miscellaneous papers." Among these are included "Proof of the loss of slaves, etc.," from various tide-water counties during the Revolution, and some militia and naval papers.

Four hundred and forty boxes of "Recommendations by county court to the executive of persons suitable to fill the various militia offices," 1783–1853.

Four hundred and eighty-seven boxes of "Executive papers," 1652–1812. Most of these have been included and printed in the "Calendar of Virginia State Papers."

Four hundred [approximation] bundles of "Executive paper, 1812–1859, not boxed at the time when Mr. Nimmo's report was prepared, but which he has since arranged. Many of these are included in the "Calendar of Virginia State Papers."

About 500 packages, which at the date of the report were still to be examined, arranged, and boxed, including "miscellaneous letters," "returns of acting magistrates," and the State papers during the civil war and reconstruction period.

With the exception of a part of the "executive papers," and a few of the "legislative papers," all of these documents are of a later date than 1774.

MANUSCRIPT VOLUMES.

COLONIAL.

Council journal (executive): August, 1705–October, 1721; October 25, 1721–October 28, 1734; August 5, 1737–December 21, 1738; July 31, 1738–May 6, 1743; 1740–1745; September 4–October 26, 1744; 1748–1749; 1755–1759; March 4, 1760–December 8, 1766.

Council journal (upper house of assembly): December 15, 1696–October 17, 1698; December 5, 1700–August 28, 1702; March 19, 1702–May 23, 1704; April 26, 1702–July 22, 1706; October 27–November 30, 1710; November 30–December 13, 1711; November 16–December 24, 1714; August 4–September 15, 1715; November 2, 1720–December 23, 1720; May 21, 1730–July 9, 1730; November, 1741–May, 1744; May 6, 1742–June 19, 1742; February 20, 1745–April 8, 1749; February 27, 1752–April 20, 1752; November 1, 1753–December 19, 1753.

Council docket (upper house of assembly): March 25, 1756–December, 1775; March 2, 1692–April 3, 1693; November, 1769–June, 1776; March 4, 1773–May 16, 1776.

Proclamations and commissions, 1698–1702. Copies attested by Benjamin Harrison, clerk of the council.

Accounts of Alexander Boyd, paymaster, 1762; pay accounts and pensions, April, 1769–March, 1785.

Manifest book of collection of district of James River, June, 1773–September, 1775.

INTERREGNUM.

Minutes of committee of safety, 1775–1776.

Journal of committee of safety, February 7–July 5, 1776; June 5–July 5, 1776.

Receipt book of committee of safety, September 6, 1775–April 30, 1776.

Letter book of committee of correspondence, April 14, 1773–May 5, 1781 (bound in with journal of the house of delegates, March, 1781).

Letter book of the committee of correspondence, 1775–1776.

REVOLUTION.

ARMY, NAVY, ETC.

A list of officers, noncommissioned officers, soldiers, and sailors, who have received bounty land from Virginia for Revolutionary services. Prepared about 1832.

Statement of the number of acres each, granted to the officers and men of the Virginia State Line.

List of officers and soldiers of the Virginia Line on Continental Establishment, who received certificates for the balance of their full pay, etc., agreeable to act of assembly, November session, 1781.

List of officers and soldiers of the Virginia Line on State Establishment who received certificates for the balance of their full pay, etc., agreeable to act of assembly, November session, 1781.

List of claimants for land bounty for Revolutionary services from March 16 to December 31, 1832, with reference to dates of action by the executive.

Proceedings of the board of field officers, 1782, for determining the relative rank of army officers.

Militia pay warrants, December 23, 1776, to December 18, 1778. (In course of publication in the Virginia Magazine of History and Biography.

Pension-roll book, 1786 to 1816.

Pension-roll book, 1817 to 1825.

Accounts of public store at Williamsburg, October 6, 1775, to July 12, 1780. 15 volumes.

Accounts of public store at Philadelphia, September, 1779, to January, 1780. 3 volumes.

Accounts of military store at Richmond, June, 1780, to May, 1785. 4 volumes.

Journal of commission for military claims, October, 1785–January, 1786.

Miscellaneous accounts, military pensions, civil lists, annual expenditure of State government, October, 1782–October, 1784.

Army ledger, July 14, 1779–June 21, 1780.

Cash book of commissary department, July 1, 1779–June 22, 1780.

Letter book of Thomas Smith, State agent, December 26, 1776–November 7, 1778.

Letter book of Thomas Smith, State agent, November 10, 1779–May 3, 1779.

Accounts of Thomas Smith, State agent, 1782–1783.

Index of accounts, 1778.

List of certificates granted for pensions, January, 1786–January, 1801.

Receipt book of Henry Young, quartermaster-general, May 2, 1781–December 31, 1782.

Letter book of War Office, October 5, 1781–November 1, 1781; January 22–May 5, 1782; May–October, 1782.

Letter book of George Muter, commissioner of the War Office June–March, 1781, and letter book of William Davies, commissioner of the War Office March–September, 1781.

Letter book of War Office, November 2, 1781–January 22, 1782.

Papers concerning the Army of the Revolution, accounts, quartermaster's returns, receipts, etc.

Papers concerning the Army of the Revolution, rank roll of officers of the Virginia Line, list of prisoners taken and paroled by the enemy, etc.

Report of John H. Smith, commissioner to examine Revolutionary land-bounty claims, 1834.

Returns (from counties) of militia and military stores, 1777–1784.

Accounts of Virginia troops in Continental line, 1777–1781, 1777–1781, 1777–1785.

Index to Revolutionary accounts; list of the Army and Navy who had received lands from Virginia for Revolutionary services, 1833.

List of officers of the Virginia State and Continental lines and State navy who had not received land for Revolutionary services [1833?].

Officers, seamen, and marines of the State navy, including those who have not received land for Revolutionary services.

List of Virginians in Armand's Corps, and of Virginians in same corps who had not applied for bounty land prior to 1828.

Papers concerning the Army of the Revolution; remnants of minutes of the board of war June 30, 1779–April —, 1780; remnants of minutes of the board of trade November 27, 1779–April 7, 1780.

Certificates granted to officers and soldiers of the Revolutionary Army for land bounty, May, 1782–September, 1783.

Account of articles issued to officers and men of the Army, September, 1776–December, 1783; list of tobacco warehouses and inspections in Virginia, 1798, and a partial list of justices and other officers of the counties of Virginia.

Alphabetical list of claimants for land bounty.

Revolutionary receipts, March 8, 1777–February 2, 1782.

Commissioner's report on land-bounty claims, 1835.

Quartermaster-general's day book, 1781–1782.

Accounts of Lawrence Smith, paymaster of State troops, December 30, 1777–February 18, 1780.

Account book, Capt. Francis Taylor's company, Second Virginia Regiment, State Line, in Revolution.

Ledger of Westham foundry, July, 1776–September, 1779.

Accounts of Westham foundry, April, 1779–March, 1781.

Nine sheets relating to property of Ralph Wormeley lost during Revolution, copies of letters from him to Charles James Fox, etc.

Naval accounts, 1776–1781.

Journal of Navy Board, 1776–1780, 2 vols.

Papers relating to the State Navy, 2 vols.

List of officers, seamen, and vessels in the State Navy.

Military claims and accounts, 1832–33 (Revolutionary).

CONQUEST OF THE NORTHWEST TERRITORY.

List of Illinois officers and soldiers who have and who have not received bounty land.

Journal of the board for settling the accounts of the western department, November 1, 1782–June, 1783 (2 copies).

Commissioners' report on claims for advances and supplies to the Illinois regiment, 1834.

Accounts of amounts due Virginia by the United States for expenses incurred by the conquest of the Northwestern Territory, ceded by Virginia, October, 1783.

Journal of the commissioners for settling the accounts of the western department against the State of Virginia, December 26, 1782–June 28, 1783.

Illinois papers: Returns and accounts of commissioners, muster rolls, etc., 5 vols. [Containing practically all of the original documentary material for the history of the conquest and occupation of the Northwest Territory. The original rosters, pay rolls, bills, drafts, etc., have been placed, doubtless, by the commissioners in 5 large volumes, but in rough and careless manner. These books need attention.]

STATE.

GOVERNOR AND COUNCIL.

Executive letter book: January 10–April 27, 1781; April 26–August 15, 1781; August 22–November 29, 1781; December 1, 1781–September 30, 1782; August, 1782–July 12, 1786; October 3, 1782–December 28, 1782; January 1, 1783–November 20, 1786; December 1, 1786–October 5, 1791; December 1, 1786–December 5, 1788; December 6, 1788–May 10, 1792; January, 1792–August, 1794 (and a list of those who have received land bounty, 1783–1800); May 11, 1792–September 24, 1794; October 4, 1794–October 5, 1800; October 5, 1800–July 6, 1803; October 24, 1803–July 8, 1807; July 8, 1807–March 9, 1808; March 9, 1808, January 10, 1810; January 15, 1810–August 24, 1811; August 24, 1811–July 29, 1812; July 29, 1812–December 1, 1813; December 6, 1813–November 11, 1816; November 11, 1816–December 29, 1822; January 22, 1822–September 2, 1823; January 2, 1823–October 2, 1830; April 24, 1827–June 10, 1830; December 17, 1830–October 4, 1834; November 13, 1832–March 30, 1837; October 6, 1834–June 6, 1839; March 31, 1839–January 1, 1841; June 10, 1839–September 27, 1844; October 1, 1844–April 29, 1848; March 6, 1848–November 24, 1856.

Letters received by the executive January 30–July 30, 1813.

List of letters sent and received by the executive January 2, 1832–December 31, 1849.

Index and synopsis of executive letters sent May–December, 1861; received May–December, 1861; received April 23–November 19, 1861.

Council journal: 1776–1777; October 24, 1776–March 1, 1777 (mutilated); 1777–1778; 1779–1780 (mutilated); 1781–1782; January 1–November, 1781; January 18–December 31, 1781; January 18, 1781–August 31, 1782; 1782–1783; 1783–1785; 1786–1787; 1787–1788; 1787–1789; 1789–1791; October, 1791–October, 1793; November, 1793–June, 1795; 1795–1797; 1797–1798; 1798–1799; November 1, 1799–March 30, 1857 (33 vols.).

Council minute book: February 10, 1808–May 17, 1809; November 9, 1816–June 29, 1818; April 22, 1820–June 18, 1822; September 5, 1823–February 25, 1824; March 15, 1825–April 21, 1827; June 11, 1830–November 12, 1832; January 2, 1841–May 22, 1845; May 26, 1845–May 31, 1849; June 1, 1849–January 15, 1852.

Council rough minutes: February 10, 1785–January 16, 1786; November 30, 1786–October 2, 1788; December 5, 1787–October 2, 1788; December 2, 1793–October 4, 1794; May 25, 1797–January 25, 1798; July 5, 1800–December 31, 1800; May 16, 1801–October 30, 1807; February 24, 1810–June 21, 1811.

Council warrants: January, 1781–May, 1783.

Executive journals: 1832–1838 (4 vols.), 1859–1860, 1861–1862.

Executive proclamation book: December 23, 1786–August 31, 1801.

Executive minutes: January 22, 1822–September 2, 1823; April 24, 1827–June 10, 1830; November 13, 1832–March 30, 1837; March 31, 1837–January 1, 1841; January 31, 1848–March 25 1852; May 1, 1854–December 31, 1856; 1862–1865.

General Assembly.

SENATE.

Senate journal: December 4, 1846–March 17, 1849.
Senate minute book: December 2, 1839–March 22, 1841.
Senate journal: 1841–42, 1845–46, 1846–47, 1849–1851 (5 vols.).
Senate minute books: June 7, 1850–March 22, 1850; December 2, 1850; December 10, 1850 (2 vols.).

HOUSE OF DELEGATES.

House of delegates journal: October 20, 1777–January 24, 1778; May 4, 1778–January 1, 1778; October 5, 1778–December 19, 1778; May 3, 1779–June 21, 1779; October 4, 1779–December 24, 1779; May 1, 1780–July 19, 1780; May 1, 1780–March 21, 1781; October 16, 1780–January 2, 1781; March 1, 1781–March 22, 1781; May 1, 1781–June 23, 1781; October 1, 1781–January 5, 1782; October 1, 1781–December 22, 1783; October 21, 1782–December 28, 1782; May 5, 1783–June 28, 1783; October 20, 1783–December 22, 1783; May 3, 1784–January 7, 1785; October, 16, 1786–January 11, 1787; October 26, 1786–December 18, 1789; October 15, 1787–January 8, 1788; June 23, 1788–June 30, 1788; October 20, 1788–December 30, 1788; October 19, 1789–December 19, 1789; October 17, 1791–December 20, 1791; October 1, 1792–December 25, 1792; October 21, 1793–December 13, 1793; November 10, 1795–March 9, 1796; November 8, 1796–December 29, 1796; November 8, 1796–January 25, 1798; December 4, 1797–January 25, 1798; December 3, 1798–January 26, 1799; December 2, 1799–January 28, 1800; December 1, 1800–January 23, 1801; December 7, 1801–February 2, 1802; December 5, 1803–February 3, 1804; December 3, 1804–January 31, 1805; December 2, 1805–February 5, 1806; December 1, 1806–January 22, 1807; December 7, 1807–February 10, 1808; December 5, 1808–February 18, 1809; December 4, 1809–February 9, 1810; December 3, 1810–February 13, 1811; December 2, 1811–February 21, 1812; November 30, 1812–February 23, 1813; December 6, 1813–February 16, 1814; May 17, 1813–May 26, 1813; 1813–14, 1817–18, 1818–19, 1819–20, December, 1823–March, 1824, 1826–27, 1828–29, 1829–30, 1832–33, 1834–35, 1835–36, 1839, 1839–40, 1840–41, 1841–42, 1843–44, 1844–45, 1850–51, 1860.
Volume containing various resolutions of the general assembly, June, 1781–1784, and a list of members of assembly, 1781–1788, inclusive.
General assembly and convention attendance books, 1781–1880.
General assembly order books, 1790–1794, 1795–1799, 1798–1802, 1802–1809.
Journal of Virginia convention, 1788.
Journal of convention, 1829–30.
Rough journal of convention, 1850–51.
Pay account of members of convention, 1850–51.
Journal of Alexandria convention, 1864.
Senate journal, Wheeling government, 1861–62 and 1862.
Ordinances of Wheeling convention, 1861.
List of county offices under Wheeling government, 1861.

MISCELLANEOUS.

Militia returns from the various counties, 1793.
Rank roll of brigadier-generals, colonels, lieutenant-colonels, and majors in the militia, 1793–1833.
Rank roll of militia officers, 1797.
Register of artillery and cavalry officers, Virginia militia, 1820–1834.
List of Virginia troops, 1814–15.
State armory contracts, August 26, 1808 to September, 1815.
Letters and general orders, adjutant-general's office, July 24, 1819 to April 22, 1824.
Militia register, 1800–1808.
Pay rolls of Virginia troops in war of 1812–1815.
Muster rolls of Virginia troops in war of 1812–1815.
Pay accounts of soldiers, war of 1812–1815.
Military pay roll, July, 1807 to September, 1817.
Roster and general order book, First Regiment Virginia Volunteers, 1851–1859.
Muster roll of Virginia's quota of militia called for by the President of the United States in 1807.
Roster of militia officers by counties, 1835–1853.
Register of military commissions, 1793–1809.
Letters and general orders, adjutant-general's office, September 4, 1824 to April 14, 1835.
Letter book of quartermaster's department, May 23 to November 10, 1814.
Receipt books, October, 1782 to February, 1809.
Journal of the colonization board of Virginia, May, 1853 to August, 1858.
Minute book, secretary of the Commonwealth, 1852–1854; January 1, 1857 to June 30, 1859.
Marine registration book, February 4, 1788 to August 25, 1789.
Letter book of State library, February 14, 1866 to April 4, 1869.
Penitentiary daybook, March 28, 1817 to January 28, 1818.
Receipts for law books, etc., distributed to the various counties, 1823–1830.
Receipts for books taken from State library, 1830–1844, 1845–1853, 1853–1858. 3 vols.
Catalogue of law books in the State library, 1828–1832.
Catalogue of the public library of Virginia, 1828–1852.
Thirty-six volumes of miscellaneous accounts, auditor's office, October 21, 1775 to February 23, 1791. (This is a very valuable lot of books, containing entries of practically all payments made during the Revolution.)
Receipts for law books distributed 1819–20, 1839–1852. 2 vols.
Reports from tobacco warehouses, 1781.
Various catalogues of books in the State library.
Letter book of solicitor-general, June 14, 1780 to July 17, 1780.
List of applicants for appointment as officers in Virginia to troops.
Proceedings of penitentiary board, April 25, 1800 to March, 1803.
List of books wanted for State library.
List of merchants in various counties in Virginia.
Reports of naval inspectors, 1858, 1859. 2 vols.

Letters received by the secretary of the Commonwealth, 1869–70.
Executive requisition book, 1861.
Transportation charges of guards and convicts to and from the penitentiary, 1879–80.
Auditor's account book, 1871–72.
Stafford County assessment book, 1838.
Check list of Virginia State library, 1884.
Millers and mill owners in various counties of Virginia, 1860.
Assessment of lots in town of Portsmouth, 1838.
Cash book of secretary of the Commonwealth, 1853–1865.
Proceedings of the committee in behalf of the State of Virginia in reference to the World's Fair to be held in London November 8 to December 9, 1850.
Report of the board of visitors to the penitentiary, November 8, 1807 to December 2, 1816.
Exchange Bank scratcher, 1841–1855. 2 vols.
Exchange Bank ledger, 1845, 1851. 2 vols.
Catalogue of law books for the court of appeals at Lewisburg, 1832–1860.
Minutes of the committee on banks, 1861–1864, 1865–1867. 2 vols.
Fee book of secretary of the Commonwealth, 1858–1865.
Commissioner's returns of merchants, 1799–1810.
Auditor's account book, 1870.
Pay accounts of county officers, 1842–1850.
Sheriffs' account books of various counties, 1854–1861.
Schedule of petitions 1839, 1839–40, 1833–1840. 3 vols.
State library purchases, 1886–1891.
Register of justices of the peace in 1828.
Contracts between individuals and the State, 1816–1830, 1830–1851, 1852–1865. 3 vols.
Index to journals of Congress, September, 1774, to December, 1776.
Stubs of State library check books, 1829–1860.
Returns of acting justices, etc., 1818, 1821, 1845, 1850, 1860. 5 vols.
List of subscribers to the Washington Monument in Richmond.
List of articles purchased for the governor's house, remnants of executive minutes, etc., 1834.
Survey of York and Potomac rivers, etc.; surveyor's notes.
Survey of Rappahannock and Potomac rivers, etc.; surveyor's notes.
Reports of keeper of penitentiary, 1812–1816.
List of public officers: State, district, and county, December 1, 1786.
Pilot police, quarterly reports of chief inspector, January 1, 1858, to March 31, 1860.
Pilot police, chief inspector's report.
Journal of board of principal assessors, November, 1819, to February, 1820.
Record of contracts between individuals and the State, 1805–1816.
General orders, Harpers Ferry, 1859–60.
Account of the State expenses in John Brown raid.
General orders of Maj. Gen. William B. Taliaferro, Charlestown, November 24, 1859, to January 21, 1860.

Accounts of adjutant-general.
Registration returns of the State of Virginia as Military District No. 1, in 1870.
Journal of military government, 1866–1869.
Engineer department, accounts of free negroes employed by the State of Virginia in working on defenses, etc., in 1861.
Proceedings of the board for the purchase and manufacture of arms, February 10–December 7, 1860.
Letter book, engineer office, May 14, 1861–August 30, 1861.
Letter book, commissary-general of Virginia, April–September, 1861.
Commissary accounts, May 9–July 14, 1861.
Commissary department of Virginia, ledger, 1861.
Cash accounts of commissary department, 1861.
Index to material book, engineer department, 1861.
Accounts of engineer department for coast, harbor, and river defenses, 1861.
Material book of engineer department, 1861.
Invoice book of engineer department, 1861.
Invoice book of commissary department, 1861.

COPIES FROM ENGLISH PUBLIC RECORD OFFICE, ETC.

"Sainsbury Abstracts" from P. R. O., 1606–1740. 20 vols.
"Winder Papers," copies from P. R. O., 1607–1706. 2 vols.
"De Jarnette Papers," copies from P. R. O., 1606–1691.
"McDonald Papers," copies from P. R. O. 5 vols.
Letters, etc., relating to treaties between Virginia and the Indians, 1763–1772; Aspinwall Papers from the Barlow collection.
Selections from the papers of the board of trade (English), 1753–1757. 1 vol.
Selections from papers in council chamber, Richmond. Copies made in 1826 for Jared Sparks. 1 vol.
Papers in British Museum relating to Bacon's Rebellion. Copies made under the direction of Edward Eggleston. 1 vol.
Young's Voyage to Virginia and Maryland, 1634 (the original manuscript, formerly among the Aspinwall Papers and bought by the State Library at the Barlow sale). 1 vol.
Portfolio of papers of Col. James Wood, Revolutionary period.
Portfolio of original letters of Lafayette, Rochambeau, etc., stolen from the State capitol in 1865, and recovered from a dealer. This recovery was only made through a compromise by which half the stolen papers found in the hands of this dealer were returned to the State. These papers were taken from the State capitol soon after the capture of Richmond in 1865.

COPIES OF COUNTY RECORDS.

Old Rappahannock, 1656–1692. 11 vols.
Essex, 1692–1699. 3 vols.
Richmond (Orders), 1694.
Accomac (Orders), 1632–1645. 2 vols.

Warwick (Orders), 1748–1762.
York, 1633–1701. 12 vols.
Surry, 1645–1692 and 1684–1686. 2 vols.
Henrico, 1677–1700. 4 vols.

This list of the copies from the county records completes the account of the historical manuscripts in the Virginia State library. Brief notices of records relating to Virginia which are deposited elsewhere are appended.

VIRGINIA STATE LAND OFFICE.

The records of this office should include all grants of land in Virginia since 1623; but it is known that a considerable number of grants in the colonial period were recorded by careless clerks in various record books in the General Court-house, which, as has been stated, was burned with all of its contents in 1865. Following is a list of the books, etc., in the office:

Patent books, 1623–1774. 42 vols.
Grant books, 1779 to date. 122 vols.
Northern Neck grant book, 1690–1879. 38 vols.
General survey books, 1779 to date. 98 vols.
Northern Neck surveys, 1786–1879. — vols.
Caveat books.
Military land bounty books, French and Indian war. 2 vols.
Military land bounty books, Revolutionary war. 3 vols.
Record book of all land warrants issued by the State of Virginia.
Abstracts of land grants by counties.
Index volumes.

There is also a large collection of original vouchers for military land bounty warrants of the French and Indian and Revolutionary wars, including many copies of wills, "proofs of heirship," etc., filed with the claims of descendants of Revolutionary soldiers.

VIRGINIA COUNTY RECORDS.

The following account of the records in the older counties of Virginia can only claim to be approximately accurate, as it was prepared chiefly from recollections of visits made to most of the court-houses of the counties named:

Our county records have suffered greatly in the past from the carelessness of their custodians, from fires, and from pillage by British and United States soldiers during campaigns in the State. Among the counties to whose records especial damage was done during the civil war may be mentioned

Warwick, Charles City, Stafford, and Prince William. Books and papers taken from these and other counties have been scattered throughout the United States. This is mentioned here in hope that it may lead to the return of some of these records. Where single documents or fragments of books are concerned, it would be well to send them to the Virginia Historical Society.

Where the word "complete" is used in the following notes only bound volumes of records are referred to. It would be impossible to state without a very thorough investigation to what extent original papers, such as marriage bonds, wills, deeds, etc., have been preserved. The dates given are those of the organization of the counties.

The records of the following counties are complete: Accomac (1672), Amelia (1734), Amherst (1761), Bedford (1753), Brunswick (1720), Charlotte (1764), Chesterfield (1748), Cumberland (1748), Goochland (1727), Isle of Wight from about 1654, Lancaster (1652), Lunenburg (1745), Mecklenburg (1764), Essex (including old Rappahannock, 1654), Norfolk (including Lower Norfolk, 1633), Northampton (including old Accomac, 1634), Pittsylvania (1766), Powhatan (1777), Prince Edward (1753), Princess Anne (1691), Richmond (1692), Southampton (1748), Surry (1653), Sussex (1754), Westmoreland (1653), and York (1634).

The records of the following counties have been entirely destroyed: Buckingham, Dinwiddie, Gloucester, James City, King and Queen, King William, Nansemond, and New Kent.

The records of the following counties have been preserved in part: Albemarle (1747), wills and deeds complete, several order books missing; Caroline (1727), will and deed books destroyed, order books preserved; Charles City (1634), no seventeenth century records preserved, a number of books preserved, the earliest of which is dated about 1720; Elizabeth City (1634), nothing earlier than 1694, several volumes missing between that date and 1806; Fauquier (1754), nearly complete; Hanover (1720), two deed books, 1733–1735, and 1783, etc., preserved; all other books and papers destroyed; Henrico (1634), nothing earlier than 1677, and several volumes missing after that date; King George (1720), complete with exception of the first volume of the will books; this book is known to have been about ten years ago in private hands in

the State of New York, and it is hoped that it may yet be returned to the county; Louisa (1742), complete with exception of first will book, 1742–1745; Middlesex (1675), several books of various kinds missing; Northumberland (1648), wills and deeds from about 1670 to 1710 destroyed by fire, records appear to be otherwise complete; Orange (1734), believed to be nearly complete; Prince George (1702), one volume, weighing thirty-two pounds, and containing wills, deeds, etc., 1713–1728, was found in an abandoned camp near Richmond in 1865 and returned to the county; three others only remain, one of orders, 1738–1740, another (a fragment), 1759–60, and a third covering the period 1787–1792. Prince William (1730) suffered greatly during the civil war, but several stolen volumes have been returned, and it is probable that now not more than four or five are missing. Stafford (1666) likewise was badly damaged during the war. The following books now remain in the clerk's office there: One seventeenth century order book, which was kindly restored last year by the Library of the State of New York; wills, deeds, etc., 1699–1708; deeds, bonds, etc., 1755–1760; wills, 1742–1757 and 1769–1783, etc.

VIRGINIA MANUSCRIPTS IN THE LIBRARY OF CONGRESS.[a]

1606–1680. Virginia. Miscellaneous Papers. 1 vol. F°. "Instructions Commicions Letters of Advice and Admonition and Publique Speeches, Proclamations ec."

1606–1683. Virginia, Miscellaneous Papers. 1 vol. 4°.

In main part royal orders and decrees.

1606–1692. Virginia, Miscellaneous Records. 1 vol. F°.

The so-called "Bland Manuscript" to which Hening refers. The volume contains notes by Jefferson.

1619–1624. Virginia, London Company. The Records of the London Company for Virginia. 2 vols. F°.

1621–1625. Virginia, London Company. Papers and Records. 1 vol. F° unbound.

Consists in the main of correspondence between the company's representatives in Virginia and the authorities in England.

1622–1627. Virginia, Legislative Council. "Orders from Feb. 1622 to Nov. 1627." 1 vol. F° unbound.

Contains also orders and papers to 1632.

1623. Virginia, Legislative Provincial Assembly. 1 vol. 8°. "Laws and Orders concluded on by the General Assembly March the 5th 1623."

[a] As I have stated, I am indebted to Mr. Worthington Ford, chief of the Division of Manuscripts, for this list, which was prepared by Mr. C. H. Lincoln, of that division.

1626–1634. Virginia Legislative, Journal of Council and Assembly. 1 vol. F°.

The so-called "Edmund Randolph Manuscript" to which Hening refers.

1642–1662. Virginia Legislative. "The Laws of Virginia." 1 vol. F°.

1652–1660. Virginia Legislative Records. Minutes of the "Grand Assembly." 1 vol. 4°.

The so-called "Jefferson Manuscript" to which Hening refers.

1660–1697. Virginia, Legislative. The Acts of the Provincial Assembly. 1 vol. F°.

1662–1702. Virginia, Legislative. The Acts of the Provincial Assembly. 1 vol. F°.

1665–1676. Virginia, Miscellaneous. "Foreign business and Inquisitions." 1 vol. F°.

In spite of the title domestic matters predominate, a portion of the volume referring to escheats in Virginia.

1698–1700. Virginia, Legislative, Council Journal. 1 vol. F°.

1705. Virginia, Legislative, Acts of Assembly. 1 vol. F°.

Contains chaps. 2–53 of second session.

105–1711. Virginia, Legislative, Acts of Assembly. 1 vol. F°.

Contains acts in part only.

1606. Virginia Miscellaneous. Broadsides. Single letters and other manuscripts unbound and dating from 1606 on.

[I have not been willing to make any change in the list furnished by Mr. Ford, but it is certain that the description of the vol. 1622–1627 as "Legislative Council" is incorrect. It contains the executive and judicial proceedings of the council and general court. So also after 1698–1700 "Legislative" is an incorrect description. That volume contains the minutes of the executive council.]

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